# MURRAY FIRECLAY PROJECT AREA REDEVELOPMENT PLAN

Adopted September 13, 2005

Redevelopment Agency of Murray City

# **TABLE OF CONTENTS**

1.	Introduction
2.	Recitals of Preconditions for Designating an Redevelopment Project Area5
3.	Definitions6
4.	Description of the Proposed Project Area
5.	A Summary of Land Use, Principal Streets, Population Densities, Building Intensities and the Large-Scale Master Plan for the Proposed Project Area
6.	Standards Guiding Development
7.	Reasons for Selection of Project Area
8.	Redevelopment Purposes and Objectives
9.	How the Purposes of State Law Would Be Attained by the Redevelopment
10.	Conformance of the Proposed Redevelopment to the Community's General Plan 11
11.	How Proposed Redevelopment Activities will Reduce or Eliminate Blight11
12.	Use of Eminent Domain
13.	Owner Participation
14.	Relocation Plan
15.	Description of the Specific Project that is the Object of Proposed Redevelopment 12
16.	Description of Physical, Social and Economic Conditions Existing in the Project Area. 14
17.	Method of Selection of Private Developers to Undertake Redevelopment
18.	Review of Redevelopment Proposals
19.	Implementing the Plan
20.	Project Financing
21. 22.	General Design Standards

23.	Provisions for Amending Plan	18
Exhibi	ts	20

# **TABLE OF EXHIBITS**

Supporting Documents	A
Map of the Project Area	В
Existing Land Use Map	C
Master Plan Map	D
Minutes of the Planning Commission, February 16, 2005 and March 17, 2005	E
Planning Commission letter recommending adoption of the Project Area Plan	F

#### Introduction

The Board of Directors of the Redevelopment Agency of Murray City has determined that the Murray Fireclay Project Area ("Project Area") needs rehabilitation and development to help ensure a viable economic life for the community. The proposed redevelopment plan envisions that public, residential, commercial, office and open space uses will be developed in the Project Area. This plan will guide and control the redevelopment undertakings in the Murray Fireclay Project Area.

#### 1. Recitals of Preconditions for Designating a Redevelopment Project Area

- a. Pursuant to the provisions of §17B-4-401(b) of the Redevelopment Agencies Act ("Act"), the governing body of the Redevelopment Agency of Murray City ("Agency") designated by resolution a redevelopment survey area on April 13, 2004. The governing body found that the survey area required study to determine whether or not one or more redevelopment projects were feasible and contained a description and map of the boundaries of the survey area; and
- b. Within one year of the year from the date of authorization; and
- c. Pursuant to §17B-4-601 of the Act, the Agency made a finding of blight at a Blight Hearing held on November 9, 2004 and January 18, 2005; and
- d. Pursuant to the provisions of §17B-4-402(2)(a) and (b) of the Act, Murray City has a planning commission and a general plan as required by law; and
- e. Pursuant to the provisions of §17B-4-401 of the Act, on the Agency's own motion, the Agency selected the Project Area hereinafter described comprising all or part of the proposed survey area; and
- f. Pursuant to the provisions of §17B-4-402 of the Act, the Agency has conducted one or more public hearings for the purpose of informing the public about the proposed Project Area, allowing public input into the Agency's deliberations and considerations regarding the proposed Project Area. A public input hearing was held on November 9, 2004 and January 18, 2005; and
- g. Pursuant to the provisions of §17B-4-402 of the Act, the Agency has requested input on the draft project area plan from the planning commission on August 4, 2005, has made a draft of the project area plan available to the public at the agency's offices during normal business hours, provided notice of the plan hearing and held a public hearing on the draft plan on September 13, 2005.

#### 2. Definitions

As used in the Redevelopment Project Plan:

- a. "Act" means the Redevelopment Agencies Act as found in Title 17B, Chapter 4, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor law or act which may include changes to the Agency's power of eminent domain.
- b. "**Agency**" means the Redevelopment Agency of Murray City as designated by the City to act as the redevelopment agency.
- c. "Base tax amount" means the taxable value of the property within the project area from which tax increment will be collected, as shown upon the assessment roll last equalized before the date of the taxing entity committee's approval of the first project area budget.
- d. "**Blight**" or "**blighted**" means the condition of the area that meets the requirements of Subsection 17B-4-604(1) of the Act.
- e. "**Blight study**" means the study to determine the existence or nonexistence of blight within the survey area as provided in Section 17B-4-602 of the Act.
- f. "**Bond**" means any bonds, notes, interim certificates, debentures, or other obligations issued by the Agency.
- g. "City" means Murray City.
- h. "Community" means the City.
- i. "Legislative body" means the City Council of Murray City which is the legislative body of the community.
- j. **"Plan hearing"** means the public hearing on the draft project area plan required under Subsection 17B-4-402(1)(e).
- k. "Planning commission" means the Murray City Planning and Zoning Commission established pursuant to law or charter.
- "Project area" means the geographic area described in the project area plan or draft project area plan where the redevelopment set forth in this project area plan will take place.
- m. "**Project area budget**" means the multi-year projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to the redevelopment project area that includes:

- i. the base taxable value of property in the project area;
- ii. the projected tax increment expected to be generated within the project area;
- iii. the amount of tax increment expected to be shared with other taxing entities;
- iv. the amount of tax increment expected to be used to implement the project area plan, including the estimated amount of tax increment to be used for land acquisition, public improvements, infrastructure improvements, and loans, grants, or other incentives to private and public entities; and
- v. the tax increment expected to be used to cover the cost of administering the project area plan.
- n. "**Project area plan**" means a written plan that, after its effective date, guides and controls the redevelopment activities within the project area. In most contexts, project area plan refers to this document and all of the attachments to this document.
- o. "**Redevelopment**" means the development activities under this project area plan within the redevelopment project area, including:
  - i. the base taxable value of property in the project area;
  - ii. the projected tax increment expected to be shared with other taxing entities;
  - iii. the amount of tax increment expected to be shared with other taxing entities;
  - iv. the amount of tax increment expected to be used to implement the project area plan, including the estimated amount of tax increment to be used for land acquisition, public improvements, infrastructure improvements, and loans, grants, or other incentives to private and public entities; and
  - v. the tax increment expected to be used to cover the cost of administering the project area plan.
- p. "Survey area" means an area designated by a resolution adopted by the Agency Board for study to determine whether a project or projects within the area are feasible.
- q. "**Taxes**" includes all levies on an ad valorem basis upon land, real property, personal property, or any other property, tangible or intangible.
- r. "**Taxing entity**" means a public entity that levies a tax on property within the project area.
- s. "Taxing entity committee" means a committee representing the interests of taxing entities and consists of two representatives appointed by the Murray School District, two representatives appointed by resolution of the Murray City Council, two representatives appointed by the Salt Lake County Mayor, one representative appointed by the State School Board, one representative appointed by the Legislative Body of the County and one representative of the remaining governing bodies of the other local taxing agencies.
- t. "Tax increment" means the difference between the amount of property tax revenues generated each tax year by all taxing entities from the area within a project area designated in the project area plan as the area from which tax increment is to be

collected, using the current assessed value of the property and the amount of property tax revenues that would be generated from that same area using the base taxable value of the property

#### 3. Description of the Proposed Project Area

#### a. Map of the Project Area

The map of the Project Area is attached in the Appendix, Exhibit "B" and incorporated herein. The general boundaries of the project area are roughly 4500 South, State Street, Big Cottonwood Creek to the North and UP Railroad to the West.

# 5. A Summary of Land Use, Principal Streets, Population Densities, Building Intensities and the Large-Scale Master Plan for the Proposed Project Area

#### a. Existing Land Use Map

A map of existing land uses in the Project Area is included in the Appendix, Exhibit "C" and made a part of this plan. It indicates the layout of principal streets serving the area.

The principal streets are 4500 South, Main Street and State Street. Principle land uses in the area are commercial, light industrial and a small number of residences, generally single-story.

#### b. <u>Population Densities</u>

The area population can be characterized as low-density.

#### c. Building Intensities

Buildings in the area are generally single- or two-story commercial and industrial structures. There are some detached single-family structures on the east side of the project area. The largest structures are the Advanced Foam Plastics, Inc. and Deseret Industries buildings.

#### d. Impact of Redevelopment on Land Use, Population Densities and Building Intensities

#### i. Large-Scale Master Plan

The proposed master plan for the Project Area is included in Appendix "D" and made a part of this plan. It generally indicates the type and location of new land uses to be introduced in the Project Area. However, the General Plan and Zoning Ordinance of Murray City will ultimately control the development process in the Fireclay Redevelopment Project Area.

#### ii. Impact of Redevelopment

Redevelopment will be comprised of development of vacant and/or underutilized areas in the Project Area and improvements to infrastructure in areas of existing development. This will result in increased population densities and increased building intensities as some of the planned development will be multi-story structures for both residential and nonresidential uses.

#### **6.** Standards Guiding Development

In order to provide maximum flexibility in the development of the Project Area, and to encourage and obtain the highest quality in development and design, specific development controls for the uses identified above are not set forth herein. Each development proposal in the Project Area will be subject to: appropriate elements of the City's General Plan; the Zoning Ordinance of the City, including adopted Design Guidelines pertaining to the area; institutional controls, deed restrictions if the property is acquired and resold by the RDA, other applicable building codes and ordinances of the City; and, as required by ordinance or agreement, review and recommendation of the Murray City Planning and Zoning Commission and approval by the Agency. Development proposals shall be accompanied by site plans, development data and other appropriate material that clearly describe the extent of development proposed, and any other data determined necessary or requested.

#### 7. Reasons for Selection of Project Area

- a. Due to blighted conditions, as well as limited or no accessibility, the project area will likely not develop through normal market means;
- b. Inadequate infrastructure supporting the project area will likely impede development through normal market means;
- c. A portion of the property comprises an abandoned steel plant while another portion of the project area comprises a former smelter site; and
- d. Because of the soils contamination on a portion of the project area which was formerly a smelter site, and the fact that contaminated soils will remain on a portion of the project area beneath a cap or cover system, there will be extraordinary costs associated with developing this property in the future, thus making it noncompetitive with alternative development properties within the Salt Lake Valley.

#### 8. Redevelopment Purposes and Objectives

The proposed project accomplishes the purposes of the Act in furthering redevelopment in the following ways:

- a. Reduces or eliminates blight;
- b. Strengthens the tax base and the economic health of the City, and the entire State of Utah;
- c. Provides quality development to ensure the long-term physical and economic vitality of the Project Area;
- d. Reduces traffic hazards through appropriate site access;
- e. Plans project parking, signage and pedestrian circulation to reduce vehicle/pedestrian conflicts;
- f. Encourages recreational uses through planning and construction of trails and other amenities; and
- g. Encourages the use of mass transportation service to reduce traffic congestion and increase access to the Project Area.

#### 9. How the Purposes of State Law Would Be Attained By the Redevelopment

The purposes of the Act will be attained as a result of the proposed redevelopment project by accomplishing the following items:

a. <u>The Provision of Residential, Commercial, Industrial, Public or Any Combination of These Uses</u>

The proposed redevelopment project is a mixed-use development containing public, residential, retail, and office uses as well as small businesses.

#### b. The Provision of Public or Private Recreational Areas

The proposed redevelopment project will enhance the City's open space and trails network with the addition of a trail located along Big Cottonwood Creek and the development of parkland.

#### c. Provision of Public Infrastructure

The proposed redevelopment project will provide infrastructure into an area that has no or inadequate roads and other public infrastructure that will support future development.

#### 10. Conformance of the Proposed Redevelopment to the Community's General Plan

The planning commission and the Agency reviewed the plan on February 16, 2005 at a joint meeting and offered the following recommendations/ observations:

- a. Access to the site is poor;
- b. The need to improve infrastructure is a driving force in the Agency's efforts;
- c. The Agency commented on the need for balance between retail and office uses;
- d. The Agency emphasized there never has been a proposal by the Agency to use RDA funds to acquire land for a stadium; and
- e. Retail configurations need to be explored to determine what specific retail opportunities are supportable.

A copy of the minutes of the Planning Commission meeting at which the plan was presented is included as Exhibit "E."

On motion duly made and seconded, the Planning Commission recommended that the Agency and the Murray City Municipal Council adopt the proposed Murray Fireclay Project Area Redevelopment Plan as presented to the Commission on August 4, 2005. (See Exhibit "F.")

### 11. How Proposed Redevelopment Activities will Reduce or Eliminate Blight

Redevelopment will provide the increased funding necessary to prepare the area for development activities.

#### 12. Use of Eminent Domain

The Agency reserves the right to acquire property through eminent domain should such power be granted by future amendments to the Act. If the Agency chooses to obtain property in the Project Area through the use of eminent domain, it will commence the acquisition of property through eminent domain no later than five years from the effective date of this plan.

#### 13. Owner Participation

Record owners of property located within the Project Area shall be provided reasonable opportunities to participate in the redevelopment. To further this objective, the Agency has adopted "Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in Redevelopment Project Areas Adopted by the Agency" (as amended March 8, 2005), "Rules Governing Relocation Assistance for the Redevelopment Agency of Murray City" (as amended March 8, 2005), and a "Statement of the Rights of Record Property Owners Within Redevelopment Project Areas Adopted by the Agency" (as

#### 14. Relocation Plan

The Agency has adopted "Rules Governing Relocation Assistance for the Redevelopment Agency of Murray City" (as amended March 8, 2005). These rules shall govern the Agency's relocation assistance within the Project Area.

### 15. Description of the Specific Project that is the Object of Proposed Redevelopment

The proposed redevelopment Project Area is approximately 100 acres of privately-owned property located in the City. The Project Area is currently residential, vacant and commercial and is owned by the following property owners:

PARCEL_ID	OWNER NAME	Property Address	Acreage
2101227003	SIMPSON STEEL FABRICATORS & ERECTORS INC	120 W FIRECLAY AVE	2.03
2101227005	SAMGHABADI, BEHNAZ SAFI & BASMENJI, YUSEF; JT	106 W FIRECLAY AVE	3.04
2101227006	SIMPSON STEEL FABRICATORS & ERECTORS INC	120 W FIRECLAY AVE	0.93
2101229003	GIBBONS REALTY COMPANY	4200 S MAIN ST	15.13
2101253001	SIMPSON STEEL FABRICATORS & ERECTORS INC FIRECLAY PLAZA CONDM COMMON AREA MASTER	120 W FIRECLAY AVE	8.24
2101276001	CARD	4338 S MAIN ST	0.58
2101276002	MARTI, DAVID	4300 S MAIN ST	0.01
2101276003	MARTI, DAVID	4302 S MAIN ST	0.01
2101276004	NYMAN, CARL	4304 S MAIN ST	0.01
2101276005	NYMAN, CARL	4306 S MAIN ST	0.01
2101276006	NYMAN, CARL JR	4308 S MAIN ST	0.01
2101276007	BUHLER, ANNA M & MICHELE M (JT)	4310 S MAIN ST	0.01
2101276008	BUHLER, ANNA M & CARALEEN (JT)	4312 S MAIN ST	0.01
2101276009	TIPPETTS, CARL R & MICHELLE; JT	4314 S MAIN ST	0.01
2101276010	HILL, JAMES P & NORMA R; JT	4316 S MAIN ST	0.01
2101276011	PFAFF, SHAUNA L & CHARLES T; TRS	4318 S MAIN ST	0.01
2101276012	TIPPETS, CARL & MICHELE; TC	4320 S MAIN ST	0.01
2101276013	TIPPETS, CARL & MICHELE; TC	4322 S MAIN ST	0.01
2101277001	A F P ENTERPRISES UTAH, L L C	111 W FIRECLAY AVE	2.77
2101277002	A F P ENTERPRISES UTAH, L L C	111 W FIRECLAY AVE	2.69
2101277003	SIMPSON STEEL FABRICATORS & ERECTORS INC	128 W 4500 S	9.39
2101278002	LAKE SHORE MOTOR COACH LINE INC	61 W FIRECLAY AVE	1.23
2101278003	LAKE SHORE MOTOR COACH LINE INC	61 W FIRECLAY AVE	0.38
2101278004	JOHNSON, JERRY B & CAROL; TRS	57 W FIRECLAY AVE	0.72
2101278005	JOHNSON, JERRY B & CAROL; TRS	57 W FIRECLAY AVE	0.22
2101278006	CORNWALL, JAMES A	4342 S MAIN ST	0.15
2101278007	SMITH, WILMA; TR	4344 S MAIN ST	0.22
2101278011	UTAH TRANSIT AUTHORITY	71 W FIRECLAY AVE 4340 S MAIN ST #	1.76
2101278013	UTAH TRANSIT AUTHORITY	REAR	0.54
2101278018	BORTZ, KAREN L; ET AL	4390 S MAIN ST	2.46

2101278021 HARBOR CORPO			Acreage
ZIUIZIOUZI MAKDUK CUKPO	DRATION	4410 S MAIN ST	1.95
2101278022 B R BAR LEASIN	G, L C	4350 S MAIN ST	0.31
2101278022			4.04
2101426002 SALT LAKE COU	NTY (TITLE BY QC DEED)	4484 S MAIN ST	0.03
2101426003 SALT LAKE COU	NTY	4484 S MAIN ST	0.09
2101426005 SALT LAKE COU	NTY	4474 S MAIN ST	2.47
2101503004			0.30
2101503005			0.19
2101503013 UTAH TRANSIT /	AUTHORITY	89 W FIRECLAY AVE	1.60
2101503014 SALT LAKE COU	NTY	80 W 4500 S	0.20
2206103007 WRIGHT, STEWA	ART A II; ET AL	4221 S MAIN ST	6.40
2206103009 WRIGHT, STEWA	ART A II; ET AL	4290 S STATE ST	0.52
2206103009 WRIGHT, STEWA	ART A II; ET AL	4290 S STATE ST	1.12
2206151001 SHAMY, FRANK	C; TR	4303 S MAIN ST	0.33
2206151002 HANSEN, HAL W	' & LORI M; JT	28 E FIRECLAY AVE	0.17
2206151003 HANSEN, HAL W	' & LORI M; JT	24 E FIRECLAY AVE	0.17
2206151004 NGUYEN, TRI MA	ANH	32 E FIRECLAY AVE	0.34
2206151005 NGUYEN, TRI MA	ANH & THANH MING & TAM BANG (TC)	56 E FIRECLAY AVE	0.41
2206151006 NIKOLS, MIKE J		72 E FIRECLAY AVE	0.16
2206151007 TOWLER INVEST	TMENT COMPANY	4306 S STATE ST	0.60
2206151008 PAUL MENLOVE	INCORPORATED	4337 S MAIN ST	0.39
2206151010 IVIE, DAVID G		33 E EDISON AVE	0.19
2206151011 IVIE, DAVID G		33 E EDISON AVE	0.19
2206151012 D U COMPANY II	NC	55 E EDISON AVE	0.18
2206151013 DUTSON, PAUL	& KRISTY; JT	65 E EDISON AVE	0.17
2206151014 NIKOLS, MICHAE	EL J	85 E EDISON AVE	0.23
2206151016 NIKOLS, MICHAE	EL J	75 E EDISON AVE	0.14
2206151017 NIKOLS, JOHN N	l.	4338 S STATE ST	0.86
2206151018 PAUL MENLOVE	INCORPORATED	4337 S MAIN ST	0.11
2206151019 FISHER, ROBER	T J; ET AL	23 E EDISON AVE	0.28
2206151020 TOWLER INVEST	TMENT COMPANY	86 E FIRECLAY AVE	0.14
2206151021 NIKOLS, MICHAE	EL J	71 E 4340 S	0.23
2206152001 CORP OF PB OF	CH JC OF LDS	4373 S MAIN ST	1.94
2206152002 GREEN, KATHER	RINE D & ARMSTRONG, FLOYD C; JT	40 E EDISON AVE	0.28
2206152003 MOUNTEER, CO	NSTANCE F; TR ET AL	64 E EDISON AVE	0.56
2206152006 MALLORY, MICH	IAEL C; TR	82 E EDISON AVE	0.15
2206152007 SMITH, DOUGLA	S F & EVELYN B; TC	4340 S STATE ST	0.20
2206152008 GREEN, GUY K		4346 S STATE ST	0.21
2206152009 MALLORY, MICH	AEL C; TR	4360 S STATE ST	1.00
2206152010 CORP OF PB OF	CH JC OF LDS	4400 S STATE ST	2.87
2206152012 CORP OF PB OF	CH JC OF LDS	4429 S MAIN ST	0.59
2206152013 SAUL, THOMAS	W	4420 S STATE ST	0.58
2206152016 PROPERTY RES	ERVE INC	4430 S STATE ST	2.67
2206152017 MILLER, R PRES	TON	72 E EDISON AVE	0.17

PARCEL_ID	OWNER NAME	Property Address	Acreage
2206152018	MALLORY, MICHAEL C; TR	72 E EDISON AVE	0.33
2206152019	MILLER, R PRESTON	62 E EDISON AVE	0.16
2206152020	MALLORY, MICHAEL C; TR	62 E EDISON AVE	0.32
2206301001	CORP OF PB OF CH JC OF LDS	4489 S MAIN ST 4440 S STATE ST #	0.58
2206302001	CLINES AUTO SALES INC	REAR	0.36
2206302002	CLINES AUTO SALES INC	4440-4458 S STATE ST	0.40
2206302003	WHITMORE'S INC	4434 S STATE ST	0.22
2206302004	WHITMORES INC & LEONUDAKIS, GEORGE	4434 S STATE ST	0.19

The proposed project accomplishes the purposes of the Act in furthering redevelopment in the following ways:

- a. Returns an abandoned steel site to productive use;
- b. Creates housing for the City;
- c. Restores the integrity of a once vital neighborhood by re-establishing office and retail activity; and
- d. Maximizes benefits of the public investment in transit infrastructure.

The real property located within the proposed Project Area is intended to be used for the construction of residential, commercial, and office structures.

#### 16. Description of Physical, Social and Economic Conditions Existing in the Project Area

The area has suffered from a lack of reinvestment related to: 1) Blight; 2) The actual and perceived environmental issues associated with a portion of the proposed Project Area; 3) Lack of east-west access connecting State Street and 300 West due to a railroad (barrier); 4) the need for more infrastructure in the area; and 5) Prior industrial uses having portrayed the area as nonconductive to higher intensity development such as office and multi-story housing.

#### 17. Method of Selection of Private Developers to Undertake Redevelopment

On March 8, 2005, the Agency adopted "Amended Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants." These rules will be followed by the Agency in selecting private developers who agree to undertake redevelopment within the Project Area according to terms and conditions established by the Agency. Techniques to implement the plan and the ways in which they might be accomplished are identified below.

#### 18. Review of Redevelopment Proposals

Each redevelopment proposal by an owner participant or a developer shall be accompanied

by site plans, development data and other appropriate material that clearly describes the extent of redevelopment proposed, including land coverage, setbacks, height and massing of buildings, off-street parking and loading, use of public transportation, and any other data determined to be necessary or requested by the Agency or the City.

#### 19. Implementing the Plan

This Project Area Plan shall be implemented as approved by the Agency. Implementation must commence no later than three years after the effective date of this plan. Techniques to implement the plan may include property acquisition, disposition, relocation and development. They are to be accomplished by:

#### a. Acquisition of Real Property

The Agency may acquire, but is not required to acquire, any real property located in the Project Area, by gift, devise, exchange, contract, purchase, or any lawful method.

#### b. Acquisition of Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means.

#### c. Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, financing, construction, or operation of this project. The Agency shall seek the aid and cooperation of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall impose on all public bodies requesting assistance from the Agency the planning and design controls contained in the plan to insure that present uses and any future development by public bodies will conform to the requirements of this plan.

#### d. Property Management

During such time that property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment.

#### e. Property Disposition and Development

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this plan. The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities, within the project area, not prohibited by law, which are necessary to carry out this plan. The Agency is authorized to prepare, or cause to be prepared as building sites, any real property in the Project Area. The Agency is also authorized to rehabilitate, or to cause to be rehabilitated, any building or structure in the Project Area. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation of property in the Project Area not owned by the Agency.

For the purposes of this plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. The Agency is authorized to dispose of real property by leases or sales by negotiation with or without public bidding. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development as permitted in the plan. Real property may also be conveyed by the Agency to the City or any other public body without charge.

The Agency shall reserve such controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to insure that development is carried out pursuant to this plan. All purchasers or lessees of property shall be obligated to use the property for the purposes designated in this plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this plan.

#### f. <u>Development</u>

To the maximum extent possible, the private development objectives of the plan are to be accomplished by private enterprise with Agency assistance and review. To provide adequate safeguards to ensure that the provisions of this plan will be carried out, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this plan by leases, deeds, contracts, agreements, declarations of restrictions, provision of the City ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the County Recorder. The leases, deeds, contracts, agreements, and declarations of restrictions may

contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitude, or any other provision necessary to carry out this plan.

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or without the Project Area for itself or for any public body or public entity to the extent that such improvement would be of benefit to the Project Area and is consistent with this plan. During the period of development in the Project Area, the Agency shall insure that the provisions of this plan and of other documents formulated pursuant to this plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules. Development plans, requiring Agency assistance, both public and private, shall be submitted to the Agency for approval and architectural review. All development must conform to this plan and all applicable federal, state, and local laws. For the purposes of this plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, and otherwise dispose of personal property.

#### 20. Project Financing

#### a. Tax Increment Provisions

The Project Area Plan specifically incorporates the provisions of tax increment financing permitted by the Act, as more specifically set forth in §17B-4 Part 10 of the Act.

#### b. Procedures for Collection of the Tax Increment

Before the Agency may collect tax increment from the Project Area, it shall undertake the following:

- i. Initiate the establishment of a taxing entity committee for the Project Area. The taxing entity committee shall be formed in accordance with §17B-4-1002 of the Act and shall exercise the powers set forth therein.
- ii. Prepare a Project Area budget.
- iii. Obtain majority consent of the taxing entity committee for the Project Area budget. The Project Area budget may be amended at the initiative of the Agency.

The Agency may collect tax increment for all or part of the Project Area as provided in the Act. The Agency has elected to collect 100 percent of the annual tax increment for a period of 20 years commencing from the first tax year the Agency accepts tax increment from the entire Project Area (to be determined with input from the Tax Entity Committee).

The amount of the base taxable value (as described in §17B-4-1004 of the Act) to be used in determining tax increment shall be altered to reflect changes (as described in §17B-4-1006 of the Act) as a result of:

- i. Any statutes enacted by the Legislature, a judicial decision, or an order from the Utah State Tax Commission to a county to adjust or factor its assessment rate pursuant to Subsection 59-704(2), UCA 1953 as amended;
- ii. Changes in exemptions provided in Article XIII, §2, Utah Constitution, or §59-2-103, UCA 1953 as amended; or
- iii. Any increases or decreases in the percentage of fair market value, as defined under §59-2-102, UCA 1953 as amended and §17B-4-1006 of the Act.

The amount of money allocated to, and when collected paid to the Agency each year for payment of bonds or other indebtedness may not be less than would have been allocated to and when collected paid to the Agency each year if there had been no increase or decrease.

The Agency shall not collect tax increment for a period longer than 25 years, unless the Act permits collection for a longer period and the taxing entity committee consents to a longer period.

#### 21. General Design Standards

The design standards for uses in the Murray Fireclay transit-oriented design were adopted on August 9, 2005. In general, the redevelopment of the Project Area will:

- a. provide an attractive, urban environment;
- b. blend harmoniously with the adjoining areas;
- c. provide for open space;
- d. support transit use by concentrating density on land surrounding the Trax station; and
- e. create a walkable community that will reduce the need for automobile traffic in the area.

#### 22. Existing Buildings and Historical Buildings

If there are existing buildings in the Project Area which would qualify as historical buildings, the redevelopment plan shall be in accordance with Subsection 9-8-404(1), UCA 1953, as amended. Historical buildings are defined as those which are included in or eligible for inclusion in the National Register of Historic Places or the State Register.

# 23. Provisions for Amending Plan

The redevelopment plan may be amended or modified any time by the Agency in the same manner as if the amendment or modification constituted a Project Area Plan being originally proposed or as provided in the Act.

#### EXHIBIT "A"

#### **SUPPORTING DOCUMENTS**

#### Murray Fireclay Project Area Redevelopment Plan

September 13, 2005

The following documents are part of the Redevelopment Plan dated September 13, 2005, and are incorporated by reference. The documents support the statements and findings incorporated in the Murray Fireclay Redevelopment Plan.

- 1. Redevelopment Agency of Murray City Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in Redevelopment Projects adopted by the Agency, amended March 8, 2005.
- 2. Rules Governing Relocation Assistance for the Redevelopment Agency of Murray City, adopted by the Agency, amended March 8, 2005.
- 3. Murray Fireclay Transit-Oriented Development Zoning Ordinances, Murray City, Utah, August 9, 2005, including the Transit Oriented Design Guidelines.
- 4. Murray City Comprehensive General Plan, land use sections pertaining to the project.
- 5. Report on the Murray Fireclay Project Area Redevelopment Plan.

# AMENDED RULES GOVERNING PARTICIPATION BY OWNERS, OPERATORS OF BUSINESSES AND TENANTS IN REDEVELOPMENT AND ECONOMIC DEVELOPMENT PROJECT AREAS

#### I. [§ 100] GENERAL

- A. <u>Purpose</u>. These rules are promulgated by the Redevelopment Agency of Murray, Utah (hereinafter the "Agency") to provide for reasonable participation in the redevelopment of property in Project Areas adopted by the Agency (hereinafter the "Project Area") by owners, operators of businesses, tenants, and other persons and entities holding interests in property within the Project Area, and to set forth the procedures governing such participation and preferences. These are updates and amendments to rules previously adopted by the Agency by Resolution No. 99-2 on April 12, 1999.
- B. <u>Participants.</u> Persons or entities holding interests in property within the Project Area shall have a reasonable-opportunity to become "participants" in the Plan, in contrast to "developers," whose interests in the Project Area are acquired solely from the Agency without having held other interests in the Project Area.
- C. <u>Priorities and Preference.</u> The Agency shall extend priorities to person or entities holding interests in property in the Project Area, to have the opportunity to continue in, or, if the Agency acquires the land of the owner or the land with which the person or entity's interest is associated, to re-enter the Project Area if such person or entities otherwise meet the requirements for participation in the Project Area Plan (hereinafter the "Project Area Plan") and in these Rules. Priorities are opportunities conferred on participants to be given reasonable priority over developers with respect to any aspect of the development of the Project Area under the Project Area Plan.

#### II. [§ 200] TYPES OF PARTICIPATION AVAILABLE

- A. <u>General.</u> The Agency shall permit owners and tenants within the Project Area to be given the opportunity to participate in the development of the Project Area by one or more of the following:
- (a) Owners retaining, maintaining, and, if necessary, rehabilitating all or portions of their properties;
- (b) Owners acquiring adjacent or other properties in the Project Area;
- (c) Owners selling all or portions of their improvements to the Agency, retaining the land, and developing their properties;
- (d) Owners selling all of portions of their properties to the Agency and purchasing other properties in the Project Area;

- (e) Owners selling all of portions of their properties to the Agency and obtaining preferences to reenter the Project Area.
- (f) Tenants having opportunities to become owners of property in the Project Area, subject to the opportunities of owners of property in the Project Area; or
- (g) Other methods approved by the Agency.
- B. [§ 202] Remaining in Substantially the Same Location. Participation may consist of persons or entities with property interests in the Project Area remaining in substantially the same location either by retaining all or portions of their property and purchasing adjacent property from the Agency. Persons or entities which participate in the same location my be required to rehabilitate or demolish all or part of their existing improvements or the Agency may acquire improvements only, then remove or demolish the improvements, and permit the participants to develop the land.
- C. [§ 203] <u>Exchanges</u>. Participation may consist of the Agency buying land and improvements from existing owners, and offering other parcels for purchase by such participants.
- D. [§ 204] <u>Preferences</u>. Participation may consist of obtaining participants' preferences to re-enter the Project Area.
- E. [§ 205] Other Forms of Participation. The Agency may allow such other forms of participation by persons or entities holding interests in property within the Project Area as are necessary and appropriate to advance the purposes of the Project Area Plan and consistent with Utah laws.

#### III. [§ 300] PRIOIRITIES AND PREFERENCES

- A. [§ 301] Priorities and Preferences. The Agency may extend reasonable preferences and opportunities for persons or entities holding interests in property within the Project Area to participate in the development of the Project Area development, subject to the requirements prescribed in the Project Area Plan and these Rules. The Agency may structure priorities and preferences in any manner it deems necessary to further the ends of the Project Area Plan and which are consistent with its obligation to extend reasonable priorities and preferences to participants.
- B. [§ 302] <u>Participants and Developers.</u> In view of the priorities and preferences the Agency is obligated to extend to participants over developers, participants shall have first claim to opportunities to participate in any and all phases of the development of the Project Area, and shall be given priority over developers unless the Agency determines that the interested participants are not capable or qualified to undertake the aspect of the development project in question. If no participants are

interested in undertaking a particular aspect of the development project, the Agency may allow developers to take advantage of the opportunity.

- C. [§ 303] <u>Factors Limiting Participation Opportunities in General.</u> Participation in the development of the Project Area by as many owners, tenants and other interest holders as possible is desired. However, participation opportunities shall necessarily be subject to and limited by such factors as the following:
  - 1. Removal, relocation and/or installation of public utilities and public facilities.
  - 2. The elimination and changing of some land uses.
  - 3. The realignment, abandonment, widening or opening of public streets and rights-of way.
  - 4. The ability of participants to finance acquisition and development in accordance with the Project Area Plan.
  - 5. Reduction in the total number of individual parcels in the Project Area.
  - 6. The assembly and development of areas for public and/or private development in accordance with the Project Area Plan.
  - 7. Change in orientation and character in the Project Area.
- D. [§ 304] <u>Factors Affecting Priorities and Preferences of Participants.</u> If conflicts develop among participants desiring to participate in the Project Area Plan with respect to particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the parties and to determine a solution by consideration of such factors as:
  - 1. Length of time in the area.
  - 2. Accommodation of as many participants as possible.
  - 3. Ability to perform.
  - 4. Similar land use to similar land use.
  - 5. Conformity with intent and purpose of the Project Area Plan.
  - 6. Any other factors the Agency deems relevant in the particular circumstances.

E. [§ 305] Participation by Joint Entities. To the extent feasible, opportunities to participate may be exercised by entities formed by two or more persons, or entities which join together in partnerships, corporations, or other joint entities for the purpose of participating in the development project. So long as one of the persons or entities joining in the joint entity is a participant, the joint entity may be treated as a participant.

#### IV. [§ 400] PARTICIPATION PROCEDURE

- A. [§ 401] Participation Agreements. The Agency is authorized to enter into participation agreements with all participants in the Project Area. Such agreements may relate to properties not purchased or not to be purchased by the Agency. Each agreement will contain provisions necessary to insure that the participation proposal will be carried out, and that the subject property will be developed or used in accordance with the conditions, restrictions, rules and regulations of the Project Area Plan and the agreement. Each agreement will require the participant to join in the recordation of such documents as the Agency may require in order to insure such development and use. Participation agreements will be effective only if approved by the Agency's Governing Board.
- B. [§ 402] Statements of Interest. Before making offers to purchase property in the Project Area, the Agency shall notify the persons or entities holding interests in any such properties by certified mail, return receipt requested, that the Agency is considering the acquisition of such property. The Agency shall include a form entitled "Statement of Interest in Participating" with the notification. Within 30 days of receipt of such notification, any owner interested in participating in the development project shall file a "Statement of Interest in Participating" with the Executive Director of the Agency. Any person or entity holding an interest in property within the Project Area may also submit such a statement at any time before such notification.

The notice letter shall inform the party to whom it is directed that failure to file a written Statement of Interest will result in waiver of the party's opportunity to participate on a priority or preferred basis in the Project Area with respect to that property. The Agency may disregard any Statements of Interest received after the expiration of the 30-day period.

The Agency shall consider such Statements as are submitted on time and seek to develop reasonable participation for those submitting such Statements whether to stay in place, to move to another location, to obtain priorities and preferences to reenter the Project Area, etc.

#### V. [§ 500] ENFORCEMENT

In the event property is not developed, maintained, rehabilitated, or used in conformance with the Project Area Plan and Participation Agreement, the Agency is authorized to (1) purchase the property, (2) purchase any interest in the property

sufficient to obtain conformance, or (3) take any other appropriate action sufficient to obtain such conformance.

#### VI. [§ 600] AMMENDMENT OF OWNER PARTICIPATION RULES

The Agency may amend these rules at any meeting two weeks after publication of a notice in a newspaper of general circulation in the City of Murray at least seven days after written notice has been given to all members of the Agency's Governing Board. The effective date of any amendment shall be the date on which it is approved by the Agency's Governing Board or on such other date as the Agency's Governing Board may specify in approving the Amendment.

#### VII. [§ 700] EFFECTIVE DATE

These participation rules shall take effect immediately upon adoption.

#### AMENDED RULES GOVERNING RELOCATION ASSISTANCE

#### I. [§ 100] GENERAL

- A. [§ 102] <u>Purposes.</u> These rules are promulgated by the Redevelopment Agency of Murray City (hereinafter the "Agency") to establish uniform rules for providing relocation assistance to persons and businesses directly displaced because of the acquisition of land under the power of eminent domain or condemnation laws of the State of Utah as part of redevelopment activities in an officially adopted redevelopment project area. These are updates and amendments to rules previously adopted by the Agency by Resolution No. 99-3 on April 12, 1999.
- B. [§ 102] <u>Declaration of Policy</u>. It is hereby declared to be the policy of the Redevelopment Agency of Murray City:
- 1. If the adopted redevelopment plan authorizes the Agency to exercise the power of eminent domain as provided by Section 17B-4-1101 ah Code Annotated 1953, as amended, it may be necessary for the Agency to acquire land by condemnation;
- 2. Persons and businesses may be displaced by the acquisition of property under the power of eminent domain or condemnation laws of the State of Utah;
- 3. Such displacement may work an economic hardship on those persons or businesses required to move or relocate homes and businesses.
- 4. Certain added expenses should be included as a part of the project cost and paid to those persons or businesses who are displaced when the Agency exercises the power of eminent domain;
- 5. The State of Utah has established uniform policies for land acquisition under the Utah Relocation Assistance Act, currently found at Utah Code Ann. § 57-12-1, et seq. to assist the Agency in assuring that displaced persons are treated fairly and equitably;
- 6. It is in the public interest for the Agency to provide relocation payments to eligible persons or businesses and to establish such land acquisition policies.

Therefore, the purpose of these rules is to establish a uniform policy for the fair and equitable treatment of persons and businesses displaced by the acquisition of real property by the Agency under the power of eminent domain or the condemnation laws of the State of Utah.

All of the provisions of the act shall be liberally construed to put into effect the foregoing policies and purposes.

C. [§ 103] Definition of Terms. As used in these Rules:

- 1. "Act" means the half Relocation Assistance Act as it may be amended from time to time.
  - 2. "Agency" means the Redevelopment Agency of Murray City;
- 3. "Business" means any lawful activity, excepting a farm operation, conducted primarily:
- a. For the purchase, sale, lease, or rental of personal or real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
  - b. For the sale of services to the public;
  - c. By a nonprofit organization; or
- d. For assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or service by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premise on which any of the above activities are conducted.
- 4. "Displaced person" means any person who, after the effective date of these rules, moves from real property, or who moves his personal property from real property, or moves or discontinues his business or moves his dwelling as a result of the acquisition of the real property, in whole or in part, or who as a result of a written order of the Agency to vacate real property for a program of purchase undertaken by the Agency or as a direct result of enforcement activities or a program of rehabilitation of building conducted pursuant to federal or state assisted program;
- 5. [restore definitions of family farm and farm operation per statute Utah Code Ann. § 57-12-3]
- 6. "Non-profit organization" means all corporations, societies and associations whose object is not pecuniary profit, but is to promote the general interest and welfare of the members, whether temporal, social or spiritual.
  - 7. "Person" means any individual, partnership, corporation, or association;
- 8. "Small business" means a business which has a gross annual income of less than \$1,500,000.

#### II. [§ 200] ADVISORY PROGRAM

A. [§ 201] Advisory Program.

- 1. Enever the acquisition of real property under the power of eminent domain or condemnation laws of the State of Utah for a project undertaken by the Agency will result in the displacement of any person, the Agency shall provide a relocation assistance program for the displaced persons which shall offer the following services:
  - a. Determine the needs of displaced persons, business concerns, and nonprofit organizations for relocation assistance;
  - b. Assist owners of displaced business operations in obtaining and becoming established in suitable business locations;
  - c. Supply information concerning programs of the federal, state and local governments offering assistance to displaced persons and business concerns;
  - d. = ist in minimizing hardships to displaced persons in adjusting to relocation; and
  - e. Eure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.
- 2. To prevent unnecessary expense and duplication of functions and to promote uniform and effective administration of relocation assistance programs for displaced persons, the Agency may enter into contracts with any person for services in connection with these programs or may carry out its functions under the Act through any person, firm or other agency.
- B. [§ 202] The Agency shall assist owners of small businesses in identifying replacement properties available on the private market located within the area.
- C. [§ 203] prevent unnecessary expense and duplication of functions and to promote uniform and effective administration of relocation assistance programs for displaced persons, the Agency may enter into contracts with any person for service in connection with these programs or may carry out its functions under the Act through any person, firm or other agency.

#### III. [§ 300]FEDERAL FUNDS – DIRECT ASSISTANCE

A. [§ 301] When federal funds are available for payment of direct financial assistance to displaced persons by acquisition of real property by the Agency, the Agency is authorized to use such federal funds with state or local funds to the extent provided by federal law and may provide such direct financial assistance in the instances and on the conditions set forth by federal law and regulations.

B. [§ 302] When federal funds are not available or used for payment of direct financial assistance to displaced persons by the acquisition of real property by the Agency, the Agency may provide direct financial assistance to such persons. Financial assistance authorized by this Subsection (B) shall not exceed the total amount that would have been payable under Subsection (A) of this section if federal funds had been available or used.

#### IV. [§ 400] RELOCATION ASSISTANCE RULES

- A. The following rules of the Redevelopment Agency of Murray City are hereby adopted:
- 1. Reasonable effort shall be made by the Agency to acquire expeditiously real property by negotiation;
- 2. Real property shall be appraised by the Agency before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property;
- 3. Before the initiation of negotiations for real property, an amount shall be established which is reasonably believed to be just compensation therefore, and such amount shall be offered for the property. In no event shall such amount be less than the lowest approved appraisal of the fair market value of the property. decrease or increase in the fair market value of real property prior to the date of valuation caused by the redevelopment project improvement for which such property is acquired or by the likelihood that the property would be acquired for such redevelopment improvement, other than due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the just compensation. The owner of the real property to be acquired shall be provided with a written statement of, and summary of the basis, for, the amount established as just compensation. Wherever appropriate, the just compensation for real property acquired and for damages to remaining real property shall be separately stated.
- 4. Where any interest in real property is acquired, an equal interest in all buildings, structures or other improvements located upon the real property so acquired and which is required to be removed from the real property or which is determined to be adversely affected by the use to which the real property will be put, shall be acquired.
- 5. Ethe purpose of determining the just compensation to be paid for a building, structure or other improvement required to be acquired, the building, structure or other improvement shall be deemed to be a part of the real property to be acquired, notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove the building, structure or improvement at the expiration of his term; and the fair market value which the building, structure or improvement contributes to the fair market value of the property to be acquired or the fair

market value of the building, structure or improvement for removal from the real property whichever is the greatest, shall be paid to the tenant therefore.

- 6. Payment for the buildings, structures or improvements as set forth in Subsection 5 shall not result in duplication of any payments otherwise authorized by state law. payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any payment, the tenant shall assign, transfer and release all his right, title and interest in and to the improvements. Nothing with regard to this acquisition of buildings, structures or other improvements shall be construed to deprive the tenants of any rights to reject payment and to obtain payment for these property interests in accordance with other laws of this state.
- 7. No owner shall be required to surrender possession of real property acquired before the agreed purchase price is paid or there is deposited with a court having jurisdiction over condemnation of such property, in accordance with applicable law, for the benefit of the owner, an amount not less than the lowest approved appraisal of the fair market value of such property or the amount of the award of just compensation in the condemnation proceeding of such property.
- 8. The construction or development of a redevelopment improvement shall be scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling will be available) or to move his business without at least ninety days' written notice from the date by which such move is required.
- 9. If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.
- 10. In no event shall the time of condemnation be advanced, or negotiations or condemnation and the deposit of funds into court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.
- 11. If an interest in real property is to be acquired by the Agency by the exercise of the power of eminent domain, formal condemnation proceedings shall be instituted only after a majority approval vote in an open, public meeting by the Agency's governing board. The Agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.
- 12. If the acquisition of only part of the property would leave its owner with an uneconomic remnant, an offer to acquire the entire property shall be made by the Agency.

- 13. No person shall be required to move or be relocated from land used as his residence and acquired under condemnation or eminent domain laws unless the adopted redevelopment plan authorizes the use of eminent domain and until the person has been offered a comparable replacement dwelling which is a decent, safe, clean and sanitary dwelling, adequate to accommodate the occupants, reasonably accessible to public services and places of employment, and available on the private market.
- 14. If a program of project cannot proceed to actual construction because comparable sale or rental housing is not available, and the Executive Director of the Agency determines that this housing cannot otherwise be made available, the Executive Director may take such action as is necessary or appropriate to provide this housing by use of funds authorized for the project.
- 15. No person shall be required to move from his dwelling on account of any project of the Agency, unless the Executive Director is satisfied that replacement housing is available and offered to the property owner.
- 16. When the Agency acquires real property by condemnation, it shall, as soon as practicable after the date of payment of the purchase price or the date of deposit into court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, reimburse the owner, to the extent the Agency deems fair and reasonable, for expenses the owner necessarily incurred for:
- a. Recording fees, transfer taxes, if any, and similar expenses incidental to conveying the real property to the Agency;
- b. Penalty costs for prepayment for any pre-existing recorded mortgage entered into in good faith encumbering the real property;-
- c. The prorata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the Agency, or the effective date of possession of such real property by the Agency, whichever is the earlier; and
  - d. Relocation costs.
- 17. The payments and assistance authorized by the Agency shall be administered in a manner which is fair, reasonable, and as uniform as practicable;
- 18. A displaced person who makes proper application to the Agency for a payment authorized for him by these rules and the Act shall be paid promptly after a move or, in hardship cases, be paid in advance; and
- 19. Any person aggrieved by a determination as to eligibility for a payment authorized by these rules or the Act, or the amount of a payment, may have his application reviewed by the governing board of the Agency as a final administrative determination.

20. The Agency may adopt such other regulations and procedures, consistent with the provisions of these rules and the Act as it deems necessary or appropriate to carry out this Relocation Assistance Plan.

#### V. [§ 500] DISPUTE RESOLUTION – ADDITIONAL APPRAISAL

A. [§ 501] If the Agency and the private property owner or displaced person disagree on any issue arising out of the Act, the private property owner may submit the dispute for mediation or arbitration.

#### B. [§ 502]

- 1. The private property owner or displaced person may request that the mediator or arbitrator authorize an additional appraisal.
- 2. If the mediator or arbitrator determines that an additional appraisal is reasonably necessary to reach a resolution of the case, the mediator or arbitrator may:
  - a. have an additional appraisal of the property prepared by an independent appraiser; and
  - b. require the Agency to pay the costs of the first additional appraisal.

#### VI. [§ 600] JUDICIAL REVIEW

- A. [§ 601] Any person aggrieved by a final administrative determination concerning relocation assistance may obtain judicial review.
- B. [§ 602] Venue for judicial review of informal adjudicative proceedings is in the district court of Salt Lake County.

#### VII. [§ 700]EFFECTIVE DATE

These relocation assistance rules shall take effect on the date of adoption by the Agency.

#### ORDINANCE NO. 05-29

AN ORDINANCE ENACTING CHAPTER 17.146 OF THE <u>MURRAY CITY</u> <u>MUNICIPAL CODE</u> RELATING TO A TRANSIT ORIENTED DEVELOPMENT DISTRICT (TOD).

Now, therefore, be it ordained by the Murray City Municipal Council as follows:

Section 1. Purpose. The purpose of this ordinance is to establish Chapter 17.146 relating to a Transit Oriented Development District.

Section 2. Enactment. Chapter 17.146 of the <u>Murray City Municipal Code</u> relating to Transit Oriented Development (TOD) District is hereby enacted to read as follows:

#### **Chapter 17.146**

#### TRANSIT ORIENTED DEVELOPMENT DISTRICT

#### Sections:

17.146.010	Purpose.
17.146.020	TOD Boundaries.
17.146.030	Municipal Council adopts TOD Guidelines – Conformance with
	requirements.
17.146.040	Definitions.
17.146.050	Uses.
17.146.060	Area, Width, Frontage And Yard Regulations.
17.146.070	Height Regulations.
17.146.080	First Floor Requirements.
17.146.090	Parking Regulations.
17.146.100	Loading and Service Areas.
17.146.110	Buildings and Lots That Straddle The TOD Boundary.
17.146.120	Open Space.
17.146.130	Access Improvements.
17.146.140	Obtaining building permit.

#### 17.146.010 Purpose.

The purpose of a Transit Oriented Development District (TOD) is to encourage pedestrian-oriented design, promote development and protect the public health, safety and welfare by preserving the unique character of existing areas for future use and development. The TOD encourages compact, mixed-use development near transit stops. Carefully planned mixed uses, including neighborhood-oriented commercial and restaurant space, provide increased opportunities for transit and pedestrian activity. It is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and

accessory parking facilities while prohibiting certain high impact and automobileoriented uses. A TOD is facilitated by site and community design standards that:

- A. Encourage high-quality, compact development and increase the number of residents and workers within walking distance of transit opportunities;
- B. Encourage a mix of high-quality residential, office, commercial, live-work, open space, entertainment, recreation, public and institutional land uses;
- C. Revitalize areas proximate to transit stations;
- D. Improve the urban design in the area;
- E. Encourage active community life within a framework of attractive and welcoming buildings and useable open spaces;
- F. Coordinate the urban design and streetscape elements in order to create a distinct visual quality for the area;
- G. Manage parking and access in a manner that enhances pedestrian safety, pedestrian mobility and quality urban design;
- H. Efficiently use public and private resources by reducing parking requirements for development in close proximity to a transit stop;
- I. Provide incentives for structured parking, new roads and public open spaces to enhance the design and function of the built environment;
- J. Encourage a safe, attractive and comfortable environment for the pedestrian and bicyclist by providing public open spaces, public pedestrian walkways, wide sidewalks, bike lanes, street furniture, pedestrian scale lighting, street trees and other appropriate amenities

#### 17.146.020 TOD boundaries.

The TOD is centered in the Fireclay area around the TRAX light rail Murray North Station and is bounded by Big Cottonwood Creek on the north, 15 feet east of Main Street on the east, 4500 South Street on the south, and the D&RGW (Union Pacific) railroad tracks on the west.

# 17.146.030 Municipal Council adopts TOD Guidelines – Conformance with requirements

The Murray City Municipal Council shall adopt TOD Guidelines. Property located within the TOD shall be developed in conformance with the provisions set forth herein and with the TOD Guidelines. For purposes of this Chapter, landscaping requirements and

encroachment allowances shall be governed by the TOD Guidelines. All uses shall meet the requirements and standards set forth in this Chapter.

#### 17.146.040 Definitions.

For purposes of this Chapter:

"Development parcel" means a lot or contiguous lots under the control of a single development entity.

"Principal street" means a collector or arterial street.

"Renovation" means physical modification to a building that involves the entire building or has a substantial visual impact on the building or the surroundings. By way of illustration, renovation includes without limitation, overall building design, exterior facades, site landscape and parking.

#### 17.146.050 Uses.

A. A use not specifically designated is prohibited. The inclusion of a major heading, includes all subcategories listed under the major heading unless otherwise excepted. For example, listing 6900 MISCELLANEOUS SERVICE ORGANIZATIONS includes all categories and subcategories listed from 6910 through 6999.

# B. The following uses are permitted in the TOD:

Use No.	Use Classification
1100	Household Units (excepting 1110)
1240	Retirement homes
1300	Residential hotels and apartment hotels
1511	Hotels
4100	Railroad, rapid rail transit, and street railway transportation
4210	Bus transportation (except 4214 and 4215).
4601	No fee parking lots and garages (except surface parking lots not
	associated with a permitted use).
4210	Commercial parking lots and garages on a fee basis (except surface
	parking lots not associated with a permitted use).
4710	Telephone communications (except 4712).
4730	Radio communications.
4740	Television communications.
4750	Radio and television communications, combined.
4760	Recording and sound studios.
4800	Utilities (offices, lines and right-of-way only; except 4812, 4813, 4822,
	4823, 4832, 4842, 4843, 4845, 4850, 4861, and 4874).
4920	Transportation services and arrangements (with no more than five
	employees in no more than 2,500 square feet, no loading dock, deliveries
	and shipping only by van or small truck during normal business hours, no

	odors, no outside storage)
5210	Building materials, tile (no outside storage).
5220	Heating and plumbing equipment (no outside storage).
5230	Paint, glass, and wallpaper (no outside storage).
5240	Electrical supplies (no outside storage).
5251	Hardware (no outside storage).
5254	Janitorial supplies (no outside storage).
	• • • • • • • • • • • • • • • • • • • •
5255	Building maintenance materials (no outside storage).
5256	Swimming pool supplies (no outside storage).
5310	Department stores.
5320	Mail order houses (no loading dock, deliveries and shipping only by van or
	small truck during normal business hours).
E220	, , , , , , , , , , , , , , , , , , ,
5330	Variety stores.
5350	Direct selling organizations (no loading dock, deliveries and shipping only
	by van or small truck during normal business hours, no outside storage).
5390	General merchandise.
5400	Food stores.
5600	Apparel and accessories.
5700	Furniture, home furnishings, and equipment.
5810	Eating places (except 5813; no drive-through sales).
5910	Drug and proprietary.
5920	Liquor, package (state store).
5930	Antiques and secondhand merchandise (except 5935, 5938 and
	5939-construction materials).
5940	Books, stationery, art, and hobby supplies.
5950	Sporting goods, bicycles, and toys.
5969	Garden supplies.
5970	Jewelry.
5990	Miscellaneous retail trade.
6100	Finance, insurance, and real estate (except 6123, 6124, and 6141-surety
	bail bonding).
6010	<del>-</del>
6213	Dry cleaning (in no more than 7,500 square feet, no outside storage).
6216	Self-service laundries.
6218	Rug cleaning and repair (in no more than 7,500 square feet, no outside
	storage).
6220	Photographic services.
	e .
6230	Beauty and barber services.
6241	Funeral home.
6250	Apparel repair, alteration, and cleaning, shoe repair services (except
	6256).
6290	Personal services (except 6293, 6294).
	· /
6310	Advertising services (office only, no outside storage, no billboards).
6320	Consumer credit reporting services.
6330	Duplicating, mailing, stenographic, and office services.
6340	Dwelling and building services (office only) (except 6342, 6345).
6350	News syndicate services (office only).
	· · · · · · · · · · · · · · · · · · ·
6360	Employment services.

6390 6420	Business services (office only, except 6394 and 6397). Electrical appliance repair and service (except 6421 and 6426; in no more than 5,000 square feet, no outside storage)
6493	Watch, clock, jewelry repair, engraving.
6496	Locksmiths and key shops.
6498	Saw, knife, lawn mower and tool sharpening (in no more than 5,000 square feet, no outside storage).
6499	Miscellaneous small item repair (in no more than 5,000 square feet, no outside storage).
6500	Professional services (office only, except 6513 and 6516).
6600	Contract construction services (office only, no outside storage).
6700	Governmental services (except 6714, 6740, 6750, and 6770).
6800	Educational services.
6900	Miscellaneous service organizations.
7100	Cultural activities and nature exhibitions (except 7124).
7210	Entertainment assembly (except 7213).
7220	Sports assembly (except 7223 and 7224)
7230	Public assembly
7391	Penny arcades and other coin operated amusements.
7395	Card rooms.
7396	Dance halls, ballrooms.
7397	Billiard and pool halls.
7399	Astrologers, bicycle rental, fortune tellers, tourist guides, phrenologist (office only).
7413	Tennis courts.
7414	Ice skating.
7417	Bowling alleys.
7420	Playgrounds and athletic areas.
7432	Swimming pools and schools.
7451	Archery range (indoor only).
7492	Picnic areas.
7600	Parks (public and private).
8221	Veterinarian services (completely enclosed within a building, no overnight boarding).
8224	Pet grooming (completely enclosed within a building, no overnight boarding).

- C. A development parcel may have more than one main building.
- D. The following accessory structures and buildings, which are customarily used in conjunction with and are incidental to the principal uses and structures, are permitted:
  - 1. Parking structures, and
- 2. other accessory buildings which do not in aggregate have a footprint greater than 25% of the footprint of the main buildings on a development parcel.

- E. More than one permitted use may be located on a development parcel and within a building.
- F. The following uses and structures are permitted in the TOD only after a conditional use permit has been approved by the planning commission and subject to the terms and conditions thereof:

Use No.	Use Classification
1210	Rooming and boarding houses.
1515	Transient apartments rented by day or week.
2000	Manufacturing Industries (handwork trades only with no more than five
	employees in no more than 2,500 square feet, no loading dock, deliveries
	and shipping only by van or small truck during normal business hours, no
	odors, no outside storage))
3220	Glass and glassware (pressed or blown, handwork trades only with no
	more than five employees in no more than 2,500 square feet, no loading
	dock, deliveries and shipping only by van or small truck during normal
	business hours, no odors, no outside storage))
3250	Pottery and related products (excepting 3251 and 3255, handwork trades
	only with no more than five employees in no more than 2,500 square feet,
	no loading dock, deliveries and shipping only by van or small truck during
	normal business hours, no odors, no outside storage))
3500	Professional, scientific, and controlling instruments; photographic and
	optical goods; watches and clocks (handwork trades only with no more
	than five employees in no more than 2,500 square feet, no loading dock,
	deliveries and shipping only by van or small truck during normal business
2000	hours, no odors, no outside storage)
3900	Miscellaneous manufacturing (handwork trades only with no more than five employees in no more than 2,500 square feet, no loading dock,
	deliveries and shipping only by van or small truck during normal business
	hours, no odors, no outside storage))
5100	Wholesale Trade (excepting 5110, 5120, 5150, 5162, 5169, 5170, 5181,
0100	5182, 5185, 5191, 5192, 5193, 5198, 5199-firearms and ammunition,
	charcoal, livestock and poultry feed, farm supplies, hay; with no more than
	five employees in no more than 5,000 square feet, no loading dock,
	deliveries and shipping only by van or small truck during normal business
	hours, no odors, no outside storage).
5813	Short order eating places with no product specialty, auto oriented (drive-in
	or drive through establishments, etc.)
5820	Drinking places - alcoholic beverages.)
6516	Sanitariums, convalescent and rest home services. (Lodging and meals
	offered with full time medical staff. Does not include asylums.)

# 17.146.060 Area, Width, Frontage And Yard Regulations.

A. All main buildings shall front on either a public or private street. Buildings that front on a courtyard that fronts on a street shall be deemed to front on the street.

- B. For development in the TOD east of Utah Transit Authority light rail lines, the front set-back for main buildings, excepting courtyards and plazas, shall be between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. Up to 50% of the front set-back may be greater than twenty five feet (25') if the additional front set-back is developed as a courtyard or plaza. Main buildings may have detached components within a courtyard or plaza if the uses in the detached component enhance activity on the courtyard or plaza.
- C. The courtyard or plaza area shall be deemed to be a part of the front set-back of the building.
- D. Buildings located on a corner lot shall front on both streets.
- E. All front set-back areas shall be landscaped in accordance with the TOD Guidelines.
- F. Parking is not permitted in the front set-back area of any building.
- G. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment and loading docks shall not be permitted in the front set-back of any building.
- H. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment and loading docks shall be set back a minimum of 25 feet (25') beyond the closest front set-back.
- I. The side lot area between non-adjoining buildings and the property line shall be developed as parking, plaza, landscaped open space, or a landscaped walkway with access to the sidewalk.
- J. A parking structure fronting on a street with office or retail uses along the entire frontage of the first floor, excluding drive lanes, shall have a front set-back of between fifteen feet (15') and twenty-five feet (25') from the back of curb and gutter. The parking structure front set-back shall not be less than the set-back of the main building.
- K. Surface parking lots and parking structures that do not include retail on the first floor facing the street frontages shall have a minimum set-back of twenty-five feet (25') from the curb. Parking structures that do not include retail on the first floor facing the street frontages shall have a minimum front set-back of ten feet (10') behind the main building.
- L. There shall be a minimum 50' setback from the top of the bank of the Little Cottonwood Creek.

# 17.146.070 Height Regulations.

There are no height restrictions in the TOD except as provided herein.

# 17.146.080 First Floor Requirements.

- A. Main buildings, situated east of the UTA Trax light rail lines or fronting principal streets, shall have first floors with a minimum ceiling height of 12 feet.
- B. <u>Multi-story</u> Buildings designed for non-residential uses on the first floor shall have walls, partitions and floor/ceiling assemblies separating dwelling units from other spaces with a sound transmission classification (STC) of at least 50 for air-bourne noise.
- C. <u>West of Main Street</u>, the portion of the first floor of any building devoted to the sale of retail goods shall not exceed 50,000 square feet.

# 17.146.090 Parking Regulations.

- A. For buildings that exceed forty-five feet (45') in height, at least 75% of the parking shall be located within the exterior walls of the building or in a parking structure that is within seven-hundred and fifty feet (750') of the main building. Pursuant to section 17.20.090, the height limitations shall not apply to architectural screening for mechanical equipment, church spires, and decorative tower elements.
- B. If more than 25% of the off-street parking is provided in surface parking lots, the minimum parking shall be:
  - 1. For residential units with two bedrooms or less, 1.5 stalls per unit.
  - 2. For residential units with more than two bedrooms, 1.85 stalls per unit.
- 3. When the office uses or net usable square footage is unknown, off-street parking will be calculated at one parking stall for each two hundred sixty-five (265) square feet of net usable office area or retail floor area.
- 4. All medical, dental and related office uses will require one off-street parking stall for each two hundred sixty-five (265) square feet of net usable office area.
- 5. All other office uses will be calculated at the ratio of three (3) off-street parking stalls for each one thousand (1,000) square feet of net usable floor area.
- 6. Retail use parking shall be calculated at the rate of one parking space for each two hundred sixty-five (265) square feet of net usable floor area.
- C. If 75% or more of the off-street parking is provided within the main buildings or within parking structures with two or more floors, the minimum parking shall be:
  - 1. For residential units with two bedrooms or less, 1.125 stalls per unit.
  - 2. For residential units with more than two bedrooms, 1.4 stalls per unit.
- 3. When the office uses or net usable square footage is unknown, off-street parking will be calculated at one parking stall for each three hundred fifty (350) square feet of net usable office area or retail floor area.
- 4. All medical, dental and related office uses will require one off-street parking stall for each three hundred fifty (350) square feet of net usable office area.
- 5. All other office uses will be calculated at the ratio of two and one-quarter (2.25) off-street parking stalls for each one thousand (1,000) square feet of net usable floor area.
  - 6. Retail use parking shall be calculated at the rate of one parking space for

each three hundred fifty (350) square feet of net floor area.

D. Off-street parking is not permitted in any fire lane, aisle space or front yard setback areas.

# 17.146.100 Loading and Service Areas.

Trash collection and recycling areas, service and storage areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from the adjacent public streets or alleys and adjacent properties. Screening shall have a minimum height of eight feet (8') and may include accessory buildings, shrubbery and plantings, decorative walls, solid fences, screen panels, doors, topographic changes, buildings or any combination of the above.

# 17.146.110 Buildings and Lots That Straddle The TOD Boundary.

If a building is partially within the TOD District and partially within another zoning district, the entire building shall conform to the requirements of the TOD District. The portion of any lot within the TOD District shall conform to the requirements of the TOD District.

# 17.146.120 Open Space.

- A. Twenty percent (20%) of the area of each lot shall be developed as landscaped set-backs, courtyards, plazas ,open space, or walkways.
- B. Each lot shall have a system of pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, sidewalks, parking areas, open space and public trails.

# 17.146.130 Access Improvements.

- A. Construction of new buildings or renovations of existing buildings shall include construction and installation of the adjacent sidewalks, park strips and other landscaping, curbs, gutters, lighting, and street furniture in conformance with the TOD Design Guidelines.
- B. Private streets shall be installed within any project in which the main buildings do not front on a public street.
- C. The improvements within the rights of way for the principal streets shall include:
- 1. Ten foot (10') wide paved sidewalks adjacent to the private property line shall be installed according to city specifications established by the city engineer.
- 2. Five foot (5') park strip between the sidewalk and the curb which shall contain appropriate tree plantings and landscaping in accordance with the TOD

## Guidelines.

- 3. Pedestrian lighting.
- 4. Benches.
- Trash receptacles.
- D. The improvements within the public rights of way and adjacent to non-principal streets and private streets shall include:
  - 1. Five foot (5') wide paved sidewalks.
- 2. Ten foot (10') park strip between the sidewalk and the curb which shall contain appropriate tree plantings and landscaping in accordance with the TOD Guidelines.
  - 3. Pedestrian lighting.
  - 4. Benches within passenger loading areas.
- 5. Trash receptacles within fifteen feet (15') of entry and exit doors of any retail establishment.

# 17.146.140 Obtaining building permit.

- A. No person shall obtain a building permit for new construction or for renovation of existing buildings that exceed twenty percent (25%) of the assessed value of the buildings without first preparing and presenting the information required by this section, 17.146.135 paying the applicable design review fee, and receiving design approval from the Community Development Division.
- B. The City shall review the plans for conformance with the requirements of the Murray City Municipal Code and the TOD Design Guidelines that have been adopted by the Murray City Municipal Council. The City shall determine the following before approval is given:
  - 1. The project is in general conformance with the Murray City General Plan.
- 2. The project is in general conformance with the specific area plan, if any, adopted for the area.
- 3. The project conforms with the requirements of the applicable sections of the Zoning Ordinance.
  - 4. The project does not jeopardize the health, safety, or welfare of the public.

- 5. The project conforms to the applicable standards outlined in the TOD Design Review Guidelines.
- C. If the City denies approval of the submitted plans, the denial shall be accompanied by a letter indicating the areas where the plans must be changed to obtain approval.
- D. A denial of approval by the City may be appealed to the Board of Adjustment.
- E. Applicants for design review and approval shall submit any or all of the following information, as requested by the City:
- 1. Project identification information including the project name, the specific location of the project including street addresses and parcel sidwell numbers, applicant name and representatives (if any other than applicant); and proposed uses.
- 2. Vicinity map or aerial photo with site plan overlay, to scale, showing the project location in relationship to neighboring buildings and the surrounding area.
  - 3. Grading plan.
- 4. Site plan, to scale, showing proposed parking, loading and service areas, and vehicular and pedestrian circulation.
- 5. Detailed elevations of all sides of the proposed building and other exterior elements, including exterior building materials.
  - 6. Sign plan.
  - 7. Landscape plan.
  - 8. Exterior lighting plan.
  - 9. Floor plans.
  - 10. Utilities plan.
  - 11. Drainage plan.
  - 12. Other design information requested by the City.
- C. Three copies of each plan must be submitted to the City. The City shall retain one copy of the plans. One copy of the plans shall be returned to the applicant stamped to show the approval or the denial of approval. In addition to the improvements to be built on the applicant's property, submitted plans must include improvements to be built in the public rights-of-way.

D. If the construction of building improvements has not commenced within eighteen months of the design approval or if construction has ceased for a period of one-year or longer, the design approval shall expire. Applicants may request an extension of up to six calendar months during the final month prior to expiration. After the expiration of a design approval, the applicant shall be required to resubmit the plans, pay the design review approval fee, and obtain design approval prior to the issuance of a building permit.

Section 3. Effective Date. The Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 9<sup>th</sup> day of August, 2005.

	MURRAY CITY MUNICIPAL COUNCIL
ATTEST:	Krista K. Dunn, Chair
City Recorder  Transmitted to the Office of, 2005.	the Mayor of Murray City on this day of
MAYOR'S ACTION: Approved  DATED this day of	, 2005.
	Daniel C. Snarr, Mayor
ATTEST:	Darliel C. Shari, Mayor
City Recorder	

	CERTIFICATE OF PUBLICATION	
2005.	I hereby certify that this Ordinance was passed on the day of	,
	City Recorder	

# Map 2-1 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY PARKS AND OPEN SPACE PUBLIC- QUASI-PUBLIC (CHURCHES, SCHOOLS, RESIDENTIAL SINGLE FAMILY LOW DENSITY RESIDENTIAL MULTI-FAMILY HIGH DENSITY **Existing Land Use** VACANT AND AGRICULTURAL **General Plan** Murray City COMMERCIAL RETAIL WATER PATH INDUSTRIAL CEMETERY MURRAY MURRAY 9 800 t200

RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL MULTI-FAMILY LOW DENSITY

UTILITY AND TRANSPORTATION

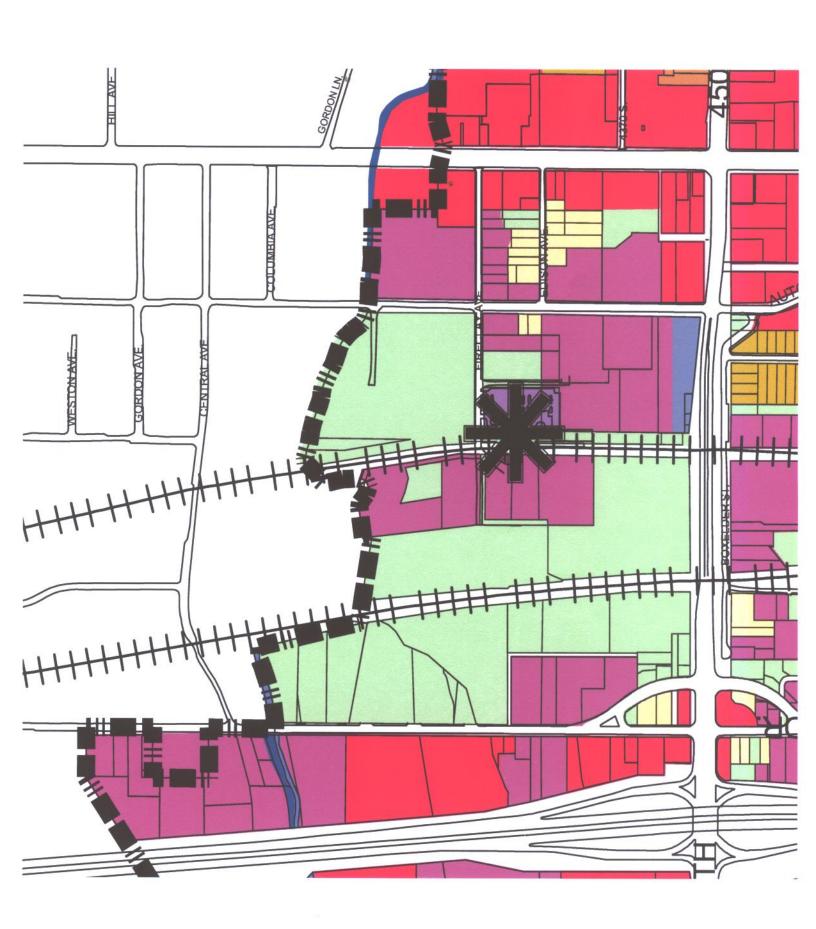
Rail Line Municipal Boundary UTA Trax Station











# Exhibit A-5 to Murray Fireclay Project Area Redevelopment Plan REPORT ON THE

# MURRAY FIRECLAY PROJECT AREA

# REDEVELOPMENT PLAN

Adopted **DATE** 

# TABLE OF CONTENTS

I.	Intro	oduction	2
II.	Fina	ancial Analysis Describing the Proposed Method of Financing Redevelopment of	the
11.		ect Area	
	a.	Role of the Agency	
	b.	General Description of Tax Increment Financing	
	c.	Proposed Project Area Budget	
	d.	General Financing Considerations.	
III.	Ana	lysis of the Preliminary Plan	4
	a.	Strengths of the Proposed Project Area	4
	b.	Weaknesses of the Proposed Project Area	4
IV.	Ben	efit Analysis of	
		Redevelopment	
		5	
	a.	Specific Benefits of Proposed Financial Assistance	
	b.	Reasonableness of Development Costs	
	c.	Financing of Private Investment	
	d.	Efforts to Maximize Private Investment	
	e.	Rationale for the Use of Tax Increment Financing	
	f.	Analysis of Whether the Proposed Development Might Occur in the Foreseea	
		Future Solely Through Private Investment.	6
	g.	Estimate of the Total Amount and Length of Time that Tax Increment Financ	ing
		Will Be Expended in Undertaking Redevelopment	6
	h.	Description of the Anticipated Public Benefit to be Derived from the	
		Redevelopment Project.	7
	i.	Housing Plan	7
V.	Ana	lysis of Plan	7
Exhi	bit "A"	' Housing Plan	8

#### I. Introduction

The following report (the "Report") on the proposed Project Area redevelopment plan entitled "Murray Fireclay Project Area Redevelopment Plan" ("Redevelopment Plan") dated **DATE**, is submitted in accordance with the provisions of §17B-4-403(1)(r) of the Redevelopment Agencies Act (the "Act"). The terms used in this report have the same meaning as those defined in Section III of the Redevelopment Plan.

# II. Financial Analysis Describing the Proposed Method of Financing Redevelopment of the Project Area

# a. Role of the Agency

The Agency is a separate government entity established pursuant to the Act. It was established on April 29, 1976. Its purpose is to prepare and carry out plans for the redevelopment of proposed Project Areas within the territorial limits of incorporated Murray City. To accomplish this objective, state law permits the Agency to undertake redevelopment projects in specifically designated and adopted project areas which meet certain standards and criteria.

# b. General Description Of Tax Increment Financing

The Agency has no authority to levy taxes. However, the Act provides a method authorized by law for financing redevelopment projects based upon an allocation of taxes collected within the Project Area. Most of the Agency's activities are funded by "tax increment" financing which is defined in the Act as follows:

"Tax increment" means, except as provided in § 17B-4-102(29)(b), the difference between:

- i. The amount of property tax revenues generated each tax year by all taxing entities from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property; and
- ii. The amount of property tax revenues that would be generated from that same area using the base taxable value of the property.

Under tax increment financing, the assessed value of all personal and real property within the Project Area in the year prior to adoption of the Project Area budget becomes the base year or "base tax amount." In all years following the base year, the local taxing units (such as the City, the local school district and special improvement districts) continue to receive the taxes generated by applying the current year tax levy to the base tax amount assessed valuation.

Taxes collected upon any increase in assessed valuation over the base tax amount may be paid to the Agency for repayment of any costs or indebtedness incurred in financing or refinancing a redevelopment project within the Project Area. Because the Agency has no authority to levy taxes, it must look specifically to the allocation of tax increment produced in the Project Area as described above. Once the project is completed and any debt is repaid, all future tax monies go to the local taxing units.

In determining the feasibility of the Redevelopment Plan, the Agency has considered the present base tax amount within the Project Area and estimated future increments in assessed valuation with associated "tax increment" tax revenues. The Agency has reviewed the assessed value of the property within the Project Area as determined by the Office of the Salt Lake County Assessor.

Based on the data obtained, the Agency has calculated the base tax amount of the Project Area as of January 1, 2004 as the tax roll was finalized on or before November 1, 2004, in order to estimate the amount of tax increment that may be available within the Project Area from the potential development projects which may be constructed within the Project Area.

The Agency believes, based upon its projections, that implementation of the Redevelopment Plan in the Project Area is economically feasible. As redevelopment occurs, the Project Area will generate tax increment resulting from the increased value of land and improvements within the Project Area.

# c. Proposed Project Area Budget

The Agency has formed a taxing entity committee ("TEC") as authorized by §17B-4-1002 of the Act for the Project Area. The TEC, representing the public entities having the right to levy taxes on the real and personal property in the Project Area, will be asked to approve a Project Area Budget ("Project Area Budget") for the Project Area. Expenditures by the Agency in the Project Area as established in the approved and amended Project Area Budget will not exceed anticipated revenues over the period of time that the Agency has the right to receive tax increment from the Project Area.

The 2004 base year taxable value amount of the Project Area is estimated to be \$20,967,716 (including real and personal property).

The Agency has determined that the implementation of the Plan will require **xx** percent of the tax increment over **xx** years (to be determined with input from the Tax Entity Committee). The Project Area Development Costs may include, but are not limited to administrative costs, utility costs, public infrastructure, costs associated with acquisition and development of redevelopment parcels, access roads and similar costs associated with the Agency providing infrastructure improvements to the Project Area.

Approximately 75 percent of the tax increment collected for the Project Area shall be used for infrastructure and other public costs, five percent is expected to be used to cover administrative costs, and 20 percent is budgeted for housing.

# d. General Financing Considerations

Tax increment bonds may be issued by the Agency to finance the project.

# III. Analysis of the Preliminary Plan

The benefits projected to accrue to the tax base of the community from the potential development include real property tax revenue, personal property tax revenue, sales tax revenue, business license fees, building permit fees and hotel occupancy tax revenue.

All the land uses determined to be appropriate for redevelopment within the Project Area pursuant to the Redevelopment Plan are in accordance with the general guidelines of the master plan or general plan of the City and its applicable planning and zoning codes, rules or regulations.

Planning criteria in the Redevelopment Plan relative to land uses, densities, characteristics of internal circulation systems, and need and type of public infrastructure improvements are consistent with the long-range plan of the community.

The Redevelopment Plan relates directly to the local objectives of promoting and retaining an economically healthy and growing community by providing not only an adequate and desirable location for redevelopment, but to construct the necessary public infrastructure for the creation of new jobs for the residents of the community.

# a. Strengths of the Proposed Project Area

- i. Parcels held by few owners;
- ii. Vacant land zoned for quality mixed-use development; and
- iii. Easy access to major arterials, freeway and Trax.

# b. Weaknesses of the Proposed Project Area

- i. Due to blight, limited or no accessibility, the Project Area will likely not develop through normal market means;
- ii. Inadequate infrastructure supporting the Project Area will likely impede development through normal market means;
- iii. A portion of the property comprises an abandoned steel plant while another portion of the Project Area comprises a former smelter site; and
- iv. Because of the soils contamination on a portion of the Project Area which was formerly a smelter site, and the fact that contaminated soils will remain on a portion

of the Project Area beneath a cap or cover system, there will be extraordinary costs associated with developing this property in the future, thus making it noncompetitive with alternative development properties within the Salt Lake Valley.

# IV. Benefit Analysis of Redevelopment

The benefits derived from the financial assistance proposed to be provided by the Agency include those enumerated in the Redevelopment Plan and this Report. The Agency believes that the cost projections are reasonable and provide the basis for the Agency to proceed with the Proposed Development as part of the Redevelopment Plan.

# a. Specific Benefits of Proposed Financial Assistance

- i. Eliminate the underutilization of real property by reclaiming an abandoned steel site for beneficial use and development.
- ii. Encourage and assist redevelopment in order for a public or private employer to create additional jobs within the community.
- iii. Provide utilities, streets, curbs, sidewalks, trail systems and other infrastructure improvements to attract economic development to the area. Significant infrastructure improvements are to be constructed as a result of the proposed development.
- iv. Strengthen the property, sales and income tax base and economic health of Murray City and the State of Utah by increasing the assessed valuation of property in the Project Area, increasing the City's and State's employment base, generating new sales and other tax and fee revenues.
- v. Attract significant net new private investment to create new business and economic activity in the area.
- vi. Develop a higher-quality development geared to attract national tenants that will offer higher-paying jobs.
- vii. Provide a mix of housing types to meet the housing needs of the community.

# b. Reasonableness of Development Costs

Redevelopment cost estimates will be provided by the Murray Department of Public Works.

# c. Financing of Private Investment

Private investment can only be made after the Project Area has been brought into "parity" with other development parcels in the valley through the construction of infrastructure and public investment. At that point, traditional financing vehicles (construction loans, home mortgages, etc.) are anticipated.

# d. Efforts to Maximize Private Investment

Private investment has, to the extent possible, been maximized. The private investment in the Project Area is estimated to be comparable to any other similar development, given that the public investment will be used to address site deficiencies and the promotion of public development objectives relative to other developable sites.

# e. Rationale for the Use of Tax Increment Financing

It cannot be reasonably expected that the development would occur in the foreseeable future solely through private investment. Without redevelopment assistance, it is unlikely that developers could be found to fund the large amount of infrastructure needed to allow development to occur.

# f. <u>Analysis of Whether the Proposed Development Might Occur in the Foreseeable Future</u> <u>Solely Through Private Investment</u>

The Agency believes that development will not occur in the near or long term solely through private investment without the intervention of the Agency and the public assistance to be offered.

# g. Estimate of the Total Amount and Length of Time that Tax Increment Financing Will Be Expended in Undertaking Redevelopment

The length of time that tax increment financing will be used within the Project Area will not exceed **xx** years at **xx** percent of the tax increment (to be determined with input from the Tax Entity Committee).

# h. <u>Description of the Anticipated Public Benefit to be Derived from the Redevelopment Project</u>

It is anticipated that the public benefit to be derived from the Proposed Development will include the following:

# i. <u>Beneficial Influences upon the Tax Base of the Community as a Result of the</u> Redevelopment Project

The following benefits are projected to accrue to the tax base of the community as a result of the Proposed Development:

- 1. Real property tax revenue;
- 2. Personal property tax revenue;
- 3. State and local option sales tax revenue; and
- 4. Municipal energy sales and use tax and Municipal Telecommunications license tax.

# i. Housing Plan

The Fireclay plan for affordable housing has as its central goal to meet the statutory requirement for an RDA, and the Housing Element of Murray City's General Plan 1999. The Fireclay plan incorporates affordable housing into the development plans. The housing plan addresses all income levels, including households with incomes below 80 percent of Area Median Income ("AMI") and including such things as land write-downs, low-income tax credit housing, and state or federally supported housing programs, etc.

The housing plan is included as Exhibit "A."

# V. Analysis of Plan

The plan meets the objectives of state law, Murray City and the Agency. Public investment in infrastructure is the necessary first step to reinvigorating the Project Area and surrounding impacted neighborhoods.

# EXHIBIT "A"

# **HOUSING PLAN**

# Murray Fireclay Project Area Housing Plan

assistance for moderate-income families throughout the community. It also recommends programs to continue the important role of multifamily housing (rental and owner occupied) in the mix of alternatives available to residents. Helping families achieve the goal housing goals of the City. The City's primary goal is to have housing available that meets the full housing requirements that occur over a family's lifetime so that no specific age group or income group is excluded from the opportunity of living their entire life in of home ownership is important to Murray's leadership, but it is recognized that rental housing also fills important housing needs. The housing monies generated by the Fireclay Project Area will be invested within and outside of the Project Area to further the Murray City. Murray City's General Plan provides for expanding current rehabilitation programs and single-family housing This plan provides the framework for using the Fireclay Housing Budget to advance the many housing objectives of the City.

amount the RDA will target about 60 percent of the housing investment within the Project Area and 40 percent outside of the Twenty (20) percent of the total tax increment generated by the Fireclay RDA Project Area will be reserved for housing. Project Area.

# Investment Within the Project Area

support the construction of structured parking. Investment of the RDA housing monies could be used to meet housing goals within entertainment and office uses. The residential uses within 1/4 mile radius of the LRT station will need to be of sufficient density to the Project Area. The means of providing housing within the Project Area will be varied. The area has insufficient infrastructure of structured parking; and some lands may be set aside for development of rental units partially funded with Low Income Housing SMSA) and land may be made available at a reduced cost (a land write down); some projects may require assistance with the cost and so some of the housing investment may be made in the form of infrastructure investment to allow housing to be developed in otherwise undevelopable areas. Some projects may meet the affordability price targets (as established by HUD for the Salt Lake Tax Credits. The means of investing in the Project Area housing will be refined as an implementation program is created and a Fireclay will be a transit-oriented development, for the most part, and will be comprised of a mix of residential, commercial, developer or developers are named for the project.

# Investment Outside the Project Area

Murray City RDA will work with nonprofit and public housing providers to provide loans and grants for down payment assistance, remodeling/renovation, affordable housing financing and other means of increasing or maintaining the affordable housing stock of

# **Annual Reports**

annual report quantifying the amount of RDA investment in affordable housing both within and outside of the Project Area for the For each of the years of the project life (to be determined as part of the budgeting process), the Murray City RDA will create an prior year. This information will be provided to the Murray City RDA Board by the developer(s) of the Project Area and RDA staff. Each year's sales or rental price shall qualify as "affordable" using median income and rental rate figures from the US Department of Housing and Urban Development and current mortgage interest rates.

# Evaluation of Affordable Housing at End of Ten Years

Project Area, a summary of total investment for affordable housing within and outside of the Project Area and total tax increment affordable housing investment and develop an annual housing budget for the remaining project life based on actual and projected increment in order to meet the 20 percent housing requirement of the Redevelopment Agency Act (the 20 percent to be achieved Within 60 days of the ten-year anniversary of the date that the Murray City RDA first elects to collect tax increment from the collected for the Project Area shall be created. The RDA Board will determine the percentage of total tax increment used for over the life of the project).

Example of calculations of housing prices meeting affordability guidelines:

Two-Person Household (1 bedroom unit)

	HUD		LIHTC	Purchase at	Purchase at	Purchase at
	Income	Rent/Month	Rent/Mo.	6.5%	7.0%	7.5%
80% of Median	\$39,280	\$982	\$920	\$123,284	\$118,028	\$113,107
60% of Median	\$29,460	\$737	069\$	\$92,463	\$88,521	\$84,830
50% of Median	\$24,550	\$614	\$575	\$77,053	\$73,767	\$70,692
40% of Median	\$19,640	\$491	\$460	\$61,642	\$59,014	\$56,554

Four-Person Household (3 bedroom unit)

	HUD		LIHTC	Purchase at	Purchase at	Purchase at
	Income	Rent/Month	Rent/Mo.	6.5%	7.0%	7.5%
80% of Median	\$49,120	\$1,228	\$1,277	\$171,124	\$163,828	\$156,997
60% of Median	\$36,840	\$921	\$958	\$128,317	\$122,903	\$117,779
50% of Median	\$30,700	\$2	862\$	\$106,936	\$102,376	\$98,108
40% of Median	\$24,560	\$614	\$638	\$85,495	\$81,850	\$78,437

Five-Person Household (4 bedroom unit)

	HUD		LIHTC	Purchase at	Purchase at	Purchase at
	Income	Rent/Month	Rent/Mo.	6.5%	7.0%	7.5%
80% of Median	\$53,040	\$1,326	\$1,424	\$190,823	\$182,687	\$175,070
60% of Median	\$39,780	\$66\$	\$1,068	\$143,117	\$137,015	\$131,303
50% of Median	\$33,150	\$829	068\$	\$119,264	\$114,179	\$109,419
40% of Median	\$26,520	\$663	\$712	\$95,411	\$91,343	\$87,535

Notes:

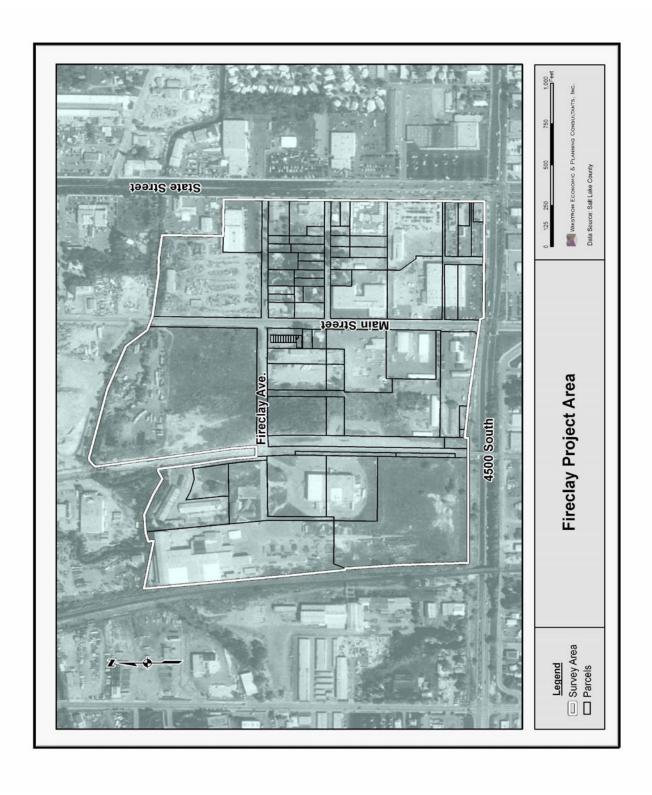
HUD Incomes are as of 2005. Rent/Month is 30% of income.

LIHTC Rent/Month is the maximum rents allowed for the unit size noted as of 2005.

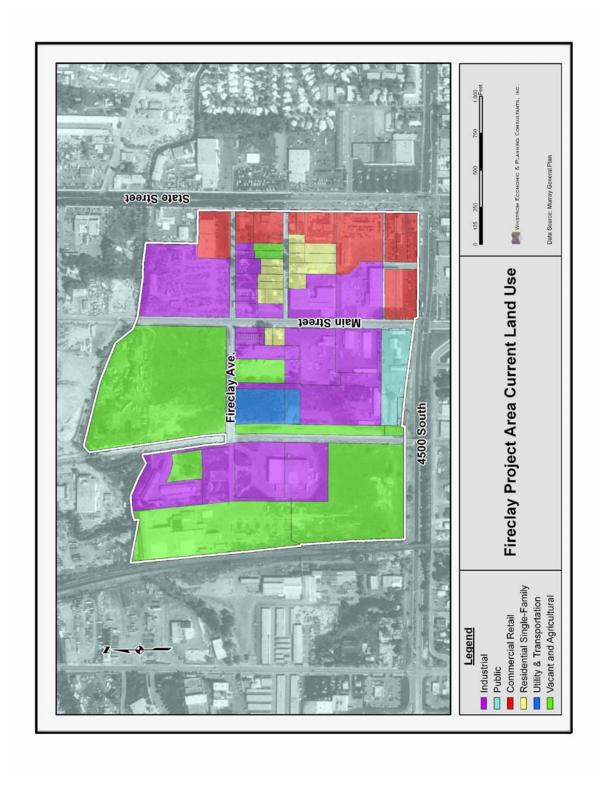
Purchase assumes 30% of income is used to pay mortgage and house is 100% financed.

# EXHIBIT "B" Murray Fireclay Project Area Map

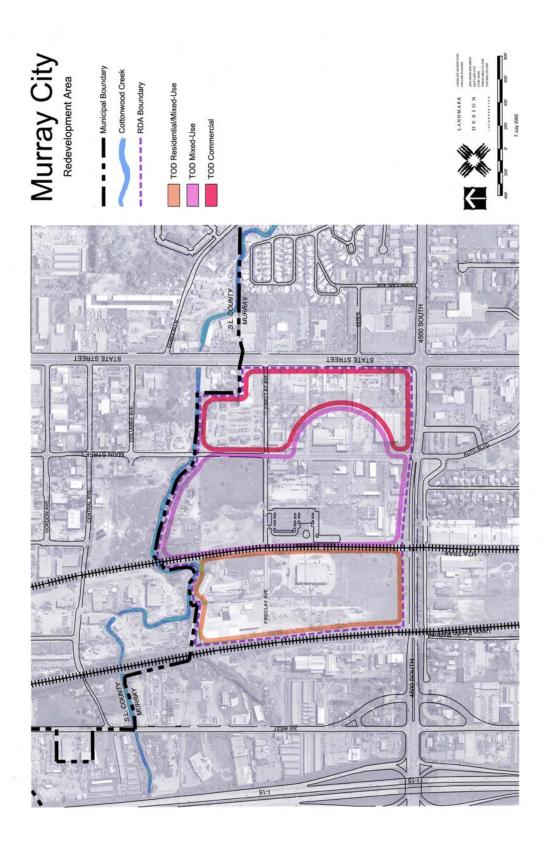
# EXHIBIT "C"



# **Murray Fireclay Project Area Existing Land Use**



# EXHIBIT "D" Master Plan Map



# EXHIBIT "E"

Minutes of the Planning Commission, February 16, 2005 and March 17, 2005

Minutes of the Redevelopment Agency of Murray City and Murray City Planning Commission joint work meeting held Wednesday, February 16, 2005 in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

#### Attendance:

Jim Brass Frank Nakamura Josh Ewing Jeff Dredge Paul Jacobs Lee Jimenez Robert Robertson Jacob Santini **Duane Phillips** Krista Dunn Brandon Bonham Scott Baker Pat Griffiths Donnetta Mitchell Reed Cutler Lynden Cheshire Karen Snarr Krisel Travis **David Hunter** Dick Stauffer Don Mullen Sherri VanBibber T. Orden Yost Art LaFeber Ray Black Susan Dewey Soren Simonsen Jeff Evans Tom Henry Tom Saul Mayor Dan Snarr Jennifer Brass Jay Bollwinkel Dennis Hamblin Marjorie Brass Larry Becknell Keith Snarr **Bob Fisher** Ron Richter Shannon Jacobs Jim Paraskeva Steven Whitehead Carol Heales Tom Love

The meeting was called to order by Jim Brass, Redevelopment Agency Chair. The meeting was a joint work meeting of the Murray City Redevelopment Agency and the Murray City Planning Commission. He noted that there was not a Quorum of Planning Commission Members; officially this would be a meeting of the RDA. He also mentioned that this was strictly an informational meeting and that there would be no decisions made, so the lack of a Planning Commission Quorum was not a major issue.

# Item 1. Fireclay Redevelopment Project Area Plan Workshop

The single item on the agenda was to discuss a redevelopment plan for the proposed Fireclay Redevelopment Survey Area. Karen Wikstrom was introduced as the planning consultant.

Karen Wikstrom introduced Jan Streiffel from Landmark Design who is a member of the planning team. Karen described the purpose of the meeting as a workshop and an opportunity to discuss the project in terms of the goals and objectives for the area. This will allow the consultants to take this information and create a plan.

A number of sketches were created for the project area to foster ideas about various uses, placement of uses and other issues. The intent was to suggest possibilities. There are two simultaneous processes, a small area plan and an RDA Plan. As the small area is developed it will be submitted to the planning commission as a small area plan. At the end of the process a small area plan will be adopted with a redevelopment plan to provide

implementation power. The redevelopment plan will always reference the small area plan as the guiding planning document for the redevelopment project.

The first item discussed was what the overall project goals need to be. There are existing objectives for the area which influence overall project goals. Two goals for the night were identified as first to identify the type of land uses desired within the project area. The second, what specific goals and objective are there for certain elements such as housing, infrastructure, fiscal objectives and others.

Jim Brass interrupted to inform the board that Jeff Evans had arrived and that there was now a Quorum of the Planning Commission.

Karen then directed the discussion to the goals leading up to this point. These include walkability, mixed use, and varied housing. Other concerns were the location of retail pads and office pads as well as the need for balance.

The scope of the project was discussed, whether it will or should be regional or local in scope, as well as how regional transportation will affect the development. Jeff Dredge commented regarding the need to not overlook parking requirements.

Karen asked what the primary goals of the plan are. They should include retail goals and what part of area is a TOD. Also goals should include how to provide basic needs, small grocery store, bank branch, cleaners, etc. She stated that walking becomes the experience with human scale development and that it is benefited by multiple paths through an area. Natural amenities should be capitalized upon to provide open space and paths.

Karen asked what the amenities are. Those listed include visibility from state and freeway, as well as the Murray Laundry Tower. Krista Dunn mentioned that access is very poor to the area. The need to improve infrastructure is a driving force behind this RDA

Jim Brass then read a statement concerning Redevelopment Funds and the soccer stadium.

Based upon media accounts, there appears to be a misunderstanding as to what Murray City, through its Redevelopment Agency ("RDA"), has proposed to do in regards to a soccer stadium. The Murray location of the soccer stadium would be in an area of the City known as the Fireclay Redevelopment Survey Area which is often referred to as the "Fireclay Area."

First, there has been no proposal by the RDA regarding the purchase of land for a soccer stadium. The RDA has made no decisions about financial assistance for a soccer stadium. The RDA is aware of a proposal made by the City's Economic Development Advisory Board and its recommendations to the Mayor. The proposal made by the Economic Advisory Board was to inform representatives of the Salt Lake ReAl that there is an excellent location for a soccer stadium in Murray. A proposal made by the Economic Development Advisory Board made no reference to financial assistance.

Nonetheless, any decisions regarding use of the public funds in the Fireclay Area must be made by the RDA.

Second, the use of public funds to facilitate the development of the Fireclay Area must be determined by the RDA through a lengthy, statutory process. The RDA is the initial stages of the

process for the Fireclay Area. On January 18, 2005, the RDA made a determination of blight for the Fireclay Area. Before the RDA is even able to consider using tax increment funds, it must prepare and adopt an RDA Plan, receive approval from the taxing entity committee, approve rules for owner participation and relocation assistance and negotiate development agreements. It is anticipated that it will take several months to complete the RDA process for the Fireclay Area.

Accordingly, the RDA is in no position to discuss, let alone commit, funds to projects in the Fireclay Area. It is anticipated that if funds are available, the RDA intends to use those funds for infrastructure such as access roads, water, sewer and power upgrades. The RDA does not intend to use funds to purchase land for a soccer stadium.

The City still welcomes the soccer stadium to the Fireclay Area. The City believes that the Fireclay Area is the best location for the soccer stadium. Nonetheless, the City is hesitant to use public funds to purchase land or provide other direct financial assistance for a soccer stadium.

Jim Brass added his comments that he thinks it is a great area with lots of room and that the public is in favor of the Fireclay location for the stadium.

# Statement from Real Salt Lake

# Josh Ewing

We're very interested in creating a public/private partnership to make this stadium happen, wherever it happens in the Salt Lake Valley. We think it will be a great thing for Utah in general, for the valley, and for the municipality that it's located in. Mostly we'd just like to answer questions and start the dialog. I think many of you have already a lot of the drawings and what we're contemplating in terms of the stadium, what it might look like. We are obviously very early in the stages of this. Basically what we are planning is a stadium that is about a 20 to 22 thousand seat stadium. It's going to have to have some parking that goes along with it. It is an open air stadium, very much a modern facility. Its not just something with steel girders thrown out in the middle of a parking lot somewhere, it needs to be part of a community. Now it can be a part of any community, you can plop this down in a residential area that already exists. It needs to be designed into a community so that people that are living close by know what they're getting into. It's an exciting thing, its not like you're not going to be able to hear it across the street, you will, its going to be a soccer team. If you look at other cities around the country, housing and mixed use development go very well with stadiums. Take a look at Coors field in Denver, all sorts of housing development went next to that. It is a mix of affordable and higher end housing there that went along with it. That's very much our plan, to have this integrated into the neighborhood feel. It has to be the right fit, it has to

be something that you all think is good for Murray. We need to need to work with the cities, wherever we end up going, in terms of how to make this a successful enterprise, both for the public and all the public and economic spin-offs and for the team. If it's not a successful team, it's not going to be really good for the community.

### Tom Love

As Josh said, the stadiums are designed to go in the community. This particular design and artistic rendering was designed to go in the Earl Holding 4<sup>th</sup> South and Main Community, that why its designed the way it is. It has retail on both sides. We recognize that in Murray's site it would take a different design, there wouldn't be as much retail on either side, it will be much more of a soccer stadium. The retail in the Murray site would be more located on all of the surrounding acreage. This is designed to be a visibly downtown location. One thing I would like to point out is that in part of this design, there are some sports themed things that are in line, restaurants and a Nike town, those kinds of shops we would like to encourage. There's also a broadcast studio that's a big part of this that is a sister company to the soccer team that Dave Checketts also owns that will be broadcasting starting the fall of 2006. All of the Mountain West Conference sports will be broadcast on this 24 hour regional sports network called CSTV. Right now, CSTV is going to be located in either Salt Lake City or Denver, and the stadium is part of that equation. Hopefully it will be located it in Salt Lake City and if it is its home will be inside the stadium. So that would be another 100 jobs.

The board and representatives from the team discussed the retail components of the stadium. They also discussed other event uses for the stadium.

Jeff Dredge raised a question about the feasibility of community scale retail such a dry cleaners or a corner store. He said that it's easy to say that the board wants this in the area, but that this type of development needs to be market driven. He asked Karen how to find the balance in the plan between the ideal desire and market forces. He said that a developer still has to come in a build it and someone has to lease it and put in a bagel shop or other type of business, and these parties may not find it economically feasible to do.

Karen responded by explaining calculations to determine internally driven retail needs based on housing densities versus what has to come from outside to support various levels of retail square footage. She continued by agreeing that it is difficult to force a retail configuration that doesn't exist. So one of the things to do as the plan is being discussed is to take into account what kind of retail configurations there are. For example when talking about groceries, is it a 3,000 square foot grocery store on the ground floor of a building, is it a 30,000 square foot small format grocery store or is it something else. Those are the issues that need to be considered. Discussion will be in terms of what those formats are that are workable formats. She concurred that it's not prudent to try to create something that no one can ever build.

Next housing goals were discussed, the first being multiple price points. Karen said low income housing doesn't make very much sense. If we want to bring lots of people into the area, which should be a goal, it can't be all low income housing.

Other concerns mentioned were:

Apartments cause problems for the school district.

Want owner occupied

High density

Minimum 30 units per acre.

Density concerns, the problem isn't the number it's the design.

Parking, traffic, utilities, other impacts.

### Don Mullen

This has to be a community effort, what works well for the community works for us. There is a difference between what we would like to see and what reality is. At a certain point in density there is a trade off with parking. Do you want density, do you want higher end? Do doctors want to spend 400,000 for a nice condo between two rail road tracks. It's all a trade off, its not that it can or can't happen. It's a question of what works here, because what works for Murray is probably what's going to work for development. We have spent a lot of time and money doing research on the feasibility of retail and residential.

Krista asked if anybody wants a condo between the tracks, and second why does the housing just have to be between the tracks.

Don replied that people do want to live there and there's ways to mitigate the sound that are used when building near traffic or a freeway. Part of the problem with other areas is contamination. As a developer the more multiple price points you have the better it is because you have a bigger market. What is the reality of what the range of price point is?

Karen reiterated that urban density supports small urban retail fabric. The intent is to work and plan this so that the market will drive the proper development in there. We do have property owners here and they will be included in the process. That was accomplished in the public input hearings.

Other uses were discussed including:

Open space

Eating establishments

Commercial office space

Hotel space

High tech/biomedical

Entertainment

These uses could be integrated into a graduated design criteria based on distance from the TRAX station.

Karen then addressed fiscal goals. The first goal is the need to develop increment to pay for this. Retail is a big piece of that with sales tax and also with the property tax increment. 100 acres is a fair amount of land but it doesn't have to take forever to develop. Karen asked if it is the objective of the city to have something happening in the near term on this project?

The response was that everyone would like to have it done now. The plan is the most important part, so the question is when the board wants the plan done.

Karen said that it's feasible to do it in a couple of months, that's a reasonable goal. Also, the plan can be adopted without the taxing entity committee in place.

Optimistic plan completion August 2005, construction 2006

Jim Brass requested a flow chart with statutory dates and deadlines.

The group then discussed the increment payout period.

Next was a discussion of infrastructure needs

Fireclay extension to the west

North/South access

Cottonwood street, through the project, or on main street? Western alignment of Cottonwood Street affects ability to put single user on Gibbons parcel. Also impacts walkability with main thoroughfare through TOD core. Additionally an overpass is very expensive. The sole purpose of Cottonwood Street is to carry traffic.

Keith passed out a worksheet showing feedback from development review board concerning the costs of fireclay area infrastructure needs.

Karen returned back to retail goals

There should be a variety of scale, uses and types. There should be enough flexibility in the plan to let the market dictate feasible development.

Inclusion of other types of businesses such as professional office, business cultivation, professional services, medical, legal.

Larger box is not a walkable component. It's important in this area to preserve walkability and attractive urban design.

Karen crystallized critical items to success

Remember walkable scale

Parking should be shared parking with a balance between structured and surface

Don't let the plan limit potential or ideas, don't create a barrier to creativity.

Minutes of the Planning Commission meeting held on Thursday, March 17, 2005, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Lynden Cheshire, Chair

David Hunter, Vice-Chair

Jeff Evans Ray Black Jim Harland

Ray Christensen, Senior Planner G.L. Critchfield, Deputy City Attorney David Rowland, Code Enforcement Officer

Jim Brass, City Council

Keith Snarr, Murray City Economic Development Director Karen Wikstrom, Wikstrom Economic & Planning Consultants

Jan Striefel, Landmark Design

Excused: Sheri Van Bibber

Ray Black Kurtis Aoki

# APPROVAL OF MINUTES

Lynden Cheshire asked for additions or corrections to the minutes of March 3, 2005. The minutes were approved as submitted.

# DISCUSSION ITEM - FIRECLAY REDEVELOPMENT AREA PLAN

Lynden Cheshire indicated that this meeting is a discussion and information meeting and no decisions will be made by the Planning Commission.

Keith Snarr, Economic Development and Redevelopment Director for Murray City, introduced Karen Wikstrom of Wikstrom Economic and Planning Consultants and Jan Striefel with Landmark Design. He stated that Ms. Wikstrom and Ms. Striefel have been engaged by the city to prepare the redevelopment area plan for the Fireclay Redevelopment Project Area. He stated that there was a meeting with the Redevelopment Agency Board and Planning Commission a couple of weeks ago where ideas were discussed and they have now put together a working map that has been distributed to the Commission members. He stated that there was a meeting earlier today with the City Council that discussed the Transit Oriented Development (TOD) zoning ordinance which works hand in hand with this proposed Fireclay Redevelopment Area. Mr. Snarr asked to be excused from the meeting in order to attend to another meeting. He turned the time over to Karen Wikstrom.

Karen Wikstrom, representing Wikstrom Economic & Planning Consultants, indicated the purpose of this meeting is regarding the Redevelopment statute, that is whatever is planned for this area as a redevelopment plan must be consistent with the general plan. She stated that this meeting is to see if the Planning Commission is of the opinion that there are consistencies with the general plan in the direction that is being taken. She stated that at a later date this will be readdressed by the Commission and formal action taken as to whether it is, or is not consistent with the general plan. Ms. Wikstrom stated that the idea is to create a small area plan and try to implement a lot of the things that are discussed in the general plan process and also all of the discussions over the past five years for this specific area.

Ms. Wikstrom stated that she has prepared as discussion drafts two alternatives, one with a soccer stadium and one without a soccer stadium. In the conversation with the redevelopment agency board, one of the areas of discussion was the location of the soccer stadium. She stated that a representative from Real was present at a previous meeting who indicated that the location between the railroad tracks would be fine location and that proposal would actually make the development of a single plan much easier because housing would be replaced on that block between the tracks and south of Fireclay for the stadium.

Ms. Wikstrom stated the implementation of this plan is complicated after the amendments to the redevelopment agency's act that were recently passed by the state legislature, one of which was the window of eminent domain. She stated that this window is the only implementation tool that is left for use of tax increment other than the city strictly negotiating purchases of property absent of eminent domain. She stated that it is common for cities to negotiate purchases of property, but the difficulty with that is the Redevelopment Agency does not have a surplus of cash at this time and until tax increment is generated, there no money to spend on acquiring properties.

Ms. Wikstrom indicated that there are issues with the alignment of Cottonwood Street. She stated that they have asked that the transportation plan, which is currently being developed accelerate the study for this particular area and the Cottonwood Street right-of-way. She stated that there is a great deal of expense for crossing 4500 South Street and the Redevelopment Agency is aware of this. She stated the extension of Cottonwood Street allows for smaller block configuration.

David Hunter commented that there is a large change in grade from the Desert Industries building westward to the overpass. Ms. Wikstrom concurred. She commented that she likes the option of the Cottonwood Street extension because it creates a finer gain pattern that promotes pedestrian orientation that is desired for this area.

Ms. Wikstrom stated in order to get under the U P & L railroad tracks with Fireclay, the grade change starts immediately west of the tracks line and must be a depth of 30 feet clear span for about 600 feet before it is under the tracks and there would be a significant grade change (5%). She stated that this is one of the reasons that retail uses are not show on the Fireclay Avenue section of the plan and it is difficult to have pedestrian access at this location. She stated the extension of Fireclay could result in laying back the grade following the 5% grade and the ability to have underground structured parking will have been put in motion.

Ms. Wikstrom stated the density shows about 600 units of housing under either scenario. She stated that is probably on the low side for density. One of the issues discussed with the RDA board where pictures were shown, was other projects around the Salt Lake Valley and their respective densities. A four-story condominium development with parking underground has a density of 60 units per acre. She stated the Brigham Street Apartments on South Temple by 200 East has a density of over 100 units per acre. She stated that they used densities of 30-50 units per acre in this proposal to get the 600 units. She stated that the minimum desired is 30 units per acre for a transit oriented development. She stated that they evaluated how much parking would be available after this type of development program were to be put on site. She stated the parking ratios showed three per thousand with the big box area; seven per thousand with the life style retail area; and two per thousand with the office area. She stated these parking ratios are probably adequate for a transit available area. This averages more than

three stalls per thousand square feet overall on the site. She stated that parking requirements should be reduced for transit oriented developments and suggested having parking maximums as opposed to parking minimums. She stated that the RDA board suggested not being so specific in the uses, but be very specific in building mass with a minimum of two-story buildings and the first floor be built so that it could accommodate retail, but in the short term could also be office uses. She suggested allowing the market to help determine the uses and having some flexibility, because it is very difficult to acquire and attract developers for vertical mixed use. She stated that this proposal could offer opportunities for vertical mixed use with at least a two-story configuration in the area around Cottonwood Street and west of Main Street and have the stadium located between the tracks.

David Hunter commented that the intersection of State and the entrance to Fireclay Avenue has been designated on the map. He stated that with 300,000 of retail space on these corners this could be a congested intersection and the big box pads at 4500 South & State Street could easily eat up the potential for smaller retail shops. He suggested that this plan should attempt to keep residential uses away from the big box tenants. He suggested that if the soccer stadium is located between the tracks and there needs to be a grade adjustment for the access underneath the tracks to get to 300 West, it should lay open the grade as previously suggested and create underground parking for the stadium at the same time.

Mr. Hunter stated that if there will be at least a 5% grade change to get under the track, that underground parking for the stadium seems to be a logical solution and is probably the only place that the stadium should be located. Ms. Wikstrom stated that one scenario proposed 1,000 underground stadium parking stalls under residential on the site. She stated that she favored this location for the stadium and it would help to preserve the remaining area of the site for mixed uses. She stated without 1,000 underground parking stalls, there are 1,000 parking stalls which is more than adequate. Mr. Hunter responded that acres of parking can blight the idea of a TOD.

Ms. Wikstrom commented that it would be important to include in the ordinance area all the land up to State Street because how the retail area is built has a large impact on Main Street. She stated that big box tenants can serve as an anchor to attract the traffic to serve the other retail uses. She cited an example of Wal-Mart stores that serve a large region, such as in Ephraim, which helps boost the financial success of other businesses. Mr. Hunter agreed that there needs to be an anchor for this area, but questioned the Wal-Mart analogy in Ephraim. He suggested limiting the square footage for any single large tenant to 100,000 sq.ft. Ms. Wikstrom indicated that the proposed map which indicates 200,000 sq.ft. pads could be comprised of three different tenants.

Mr. Hunter suggested that the ordinance not include a 200,000 sq.ft. space cannot go to a single user. He felt 100,000 sq.ft. maximum should be the limit.

Jeff Evans asked Ms. Wikstrom if there is an average residential density across the country in TOD's. Ms. Wikstrom responded that it has been proven across the country that 30 units per acre is the minimum for TOD's. She indicated that it is not unreasonable to have 60-100 units per acre in specific little projects. She commented that it is desirable to have enough density to support a structured parking and the density must support the structured parking. She stated that this can be enabled through the design of the project.

David Hunter indicated that he had worked on the Brigham Apartments which are essentially two large masses, but was a difficult project to get approved. He stated that he envisions in this TOD area a five-story project, but would step down and have broken roof lines and design is the key. He stated the housing density is not the only key element, but the retail is also a key. He stated if there is a single user with 200,000 sq.ft., it cannot look like a single 200,000 sq.ft. user and should be broken masses of building. Ms. Wikstrom concurred.

Lynden Cheshire asked Ms. Wikstrom if she has contacted Don Mullen, developer, who has expressed interest in developing in this area with multi-housing units. Ms. Wikstrom responded that she has had several meetings with Mr. Mullen.

Mr. Cheshire expressed concern with the combination of a soccer stadium having underground parking and the soccer field having natural grass and the ability to drain the water off the field in order to have the grass grow properly. Ms. Wikstrom responded that there may need to be issues resolved in this scenario.

Ms. Wikstrom stated the proposed configuration, not including any residential parking stalls, indicates 3,000 parking stalls, which is a good shared use of retail with an evening event such as a stadium. She recommended that a lot of the parking be found for event parking and the east side of State Street could have more available parking and is still walkable. She indicated that the east side of State Street is incorporated in this proposed scenario because there is an existing single family residential area that backs on to the commercial district along State Street. She stated that the creek could be incorporated as an amenity in this development.

Jim Harland asked about the parking situation with the Franklin Covey baseball field and using the neighborhoods for parking, but ended up tearing up a couple of city blocks for parking. Mr. Cheshire responded that they used the Work Force Services parking lot and negotiated shared used parking.

Ms. Wikstrom commented that within the site of the stadium there is parking provided and it is important to note that within this project area there are 3,000 parking stalls, given the proposed configuration. She stated this equates to about one stall per 350 sq.ft. which is a lot of land area, but would still allow areas that could have higher density/masses.

Ms. Wikstrom cited the example of the Old Farm housing development has 30 units per acre, including the open space area.

Ms. Wikstrom indicated that if this project is determined to be consistent with the General Plan, there will need to be a statement from the Commission indicating that at a later date.

Ms. Wikstrom urged the City demand requirements of developers when utilizing a redevelopment district in exchange for offering financial support. She stated design guidelines become much more important in this type of a situation and if those requirements are not met, then there will be no RDA monies to assist the project.

There was a lengthy discussion on this potential Fireclay Redevelopment Area Plan where additional suggestions and comments were made by planning commission members and the consultants such as wider sidewalks and landscaping being conducive to a walkable TOD and big box limitations.

David Hunter asked Jim Brass about time constraints on this project. Mr. Brass responded the interested developer has time constraints and the RDA board has a process that is necessary to occur and if Cottonwood Street and federal monies are incorporated into this project, it could take a longer time period. He stated the minimum is 9 months for the approval process, but that the Council/RDA board is not under any particular time constraints other than the legal time constraints.

Ms. Wikstrom indicated that the appropriate taxing entities and various city departments and utilities will be involved with this process and will have numerous opportunities to give input.

Mr. Cheshire complimented Ms. Wikstrom and Ms. Striefel on their proposal and work and indicated that they will be returning in the future with a more formalized plan for recommendation to the City Council.

Meeting adjourned.

Ray Christensen, AICP Senior Planner

# **EXHIBIT "F"**

# Planning Commission letter recommending adoption of the Project Area Plan

August 4, 2005

Jim Brass, Chairman Redevelopment Agency of Murray City 5025 South State Street Murray, Utah 84157

## Dear Chairman Brass:

At the regular meeting of the Murray City Planning and Zoning Commission ("Commission") held on Thursday, August 4, 2005, the Commission considered the proposed Murray Fireclay Project Area Redevelopment Plan ("Plan"). The Plan was prepared by Wikstrom Economic Development and Planning Consultants.

Consultants and staff hired by the Redevelopment Agency of Murray City (Agency) discussed the contents of the Plan with the Commission. The Commission found the Plan to be consistent with the City's general plan and other plans of the City for the development of the project area described in the Plan.

On motion duly made and seconded, the Commission recommended that the Agency and the Murray City Municipal Council adopt the proposed Murray Fireclay Project Area Redevelopment Plan as presented to the Commission on August 4, 2005.

The Commission looks forward to working with the Agency in implementing development projects as contained in the proposed Murray Fireclay Project Area Redevelopment Plan.

Very Truly Yours,

Lynden Cheshire, Chairman Murray City Planning and Zoning Commission